

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67331 of 2022

Arising Out of PS. Case No.-82 Year-2022 Thana- MAHILA P.S. District- Patna

Chandan Choudhary, Son of Shree Suraj Choudhary R/v- Harpur Osti, P.S.-
Mahua, District- Vaishali

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur, Advocate Mrs. Vaishnavi Singh, Advocate
For the Opposite Party/s	:	Mr. Narendra Kumar Singh, APP
For the Informant	:	Mr. Neeraj Parashar, Advocate Mr. Aniket Kr. Thakur, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 05-04-2023 Heard learned counsel for the petitioner and learned
APP for the State as well as learned counsel for the
informant/opposite party no.2.

In the present case, the petitioner is apprehending his arrest in connection with Mahila P.S. Case No. 82 of 2022 registered for the alleged offences under Sections 376, 420 and 313/34 of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

As per prosecution case, the informant, a physiotherapist, got registered this FIR on the basis of her written statement in which she has alleged that the petitioner, by giving her inducement of marriage, sexually exploited her and when she became pregnant, he administered her some drug,



causing abortion. The petitioner kept dilly dallying whenever talk of marriage was initiated and on demand of the petitioner, the father of the informant registered some land in joint names of the petitioner and the informant. Later on, the petitioner refused to marry with the informant and further used to demand of Rs. 30-40 lacs for marrying the informant.

The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The allegations are completely false and concocted. The informant is an adult lady and the petitioner is a doctor, who also runs an NGO and in this manner the petitioner came in contact with the informant and friendship developed between them. The land which is said to be purchased by the father of the informant was purchased for the purpose of opening the office of the NGO. Learned counsel further submits that when the petitioner tried to pull out from the project and wanted return his money, all the troubles started. Learned counsel further submits that there is no medical evidence of abortion or establishing physical relationship. Moreover, if there was any physical relationship, it could be said to be a consensual relationship between two adults. Learned counsel further submits that this case would not come under the purview of Section 376 of IPC.



Learned counsel further submits that the petitioner is a respectable man and after passing his MBBS course he was employed in Bihar Health Service and also preparing for his higher studies. So he has come for his protection before the Court by way of pre-arrest bail.

Learned APP as well as learned counsel for the informant vehemently oppose the contention made on behalf of the petitioner. Learned counsel for the informant submits that the petitioner from the very beginning has no intention of marrying with the informant and he kept her in dark, established physical relationship with her and sexually exploited her. Further, the informant never wanted to undergo abortion but the petitioner administered her some medicine stating it to be medicine for cough and cold, which caused abortion of the informant. Learned counsel further submits that the father of the informant has jointly purchased the said land but the petitioner got mutation of the same done only in his own name. This shows his dishonest intention. Learned counsel further submits that the petitioner finally refused to marry with the informant.

Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the serious and grave nature of allegation against the petitioner, I do



not think it is a fit case for grant of anticipatory bail.

Hence the prayer of the petitioner for anticipatory bail
is rejected.

(Arun Kumar Jha, J)

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