

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6437 of 2024

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

Dr. Chandan Chaudhary, Son of Sri Suraj Chaudhary, R/O Village- Harpur
Chauk, Osti Desari Road, P.S.- Mahua, Dist.- Vaishali

... .. Petitioner/s

Versus

1. The State of Bihar
2. Poonam Kumari, W/o Dr. Chandan Chaudhary, D/O Sri Ramanuj
Choudhary, R/O Village- Sampatchak, P.S.- Gopalpur, Dist.- Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Gyanendra Kumar Shukla, Advocate
For the State	:	Mr.Prem Kumar Jha, APP
For the Informant	:	Mr. Aniket Kumar Thakur, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

4 10-04-2024 Heard learned counsel for the petitioner, learned APP
for the State and learned counsel for the informant.

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.

3. The informant filed this case against this petitioner making allegation of sexually exploiting her by giving inducement of marriage and also administering her some drug causing abortion when she became pregnant. Later on, the



petitioner refused to marry with the informant and further used to demand of Rs.30-40 lacs for marrying the informant, though the father of the informant registered some land in the name of this petitioner.

4. The learned counsel for the petitioner submits that this is second attempt of the petitioner to seek anticipatory bail from this Court as his earlier prayer for grant of anticipatory bail was rejected vide order dated 05.04.2023 passed in Cr. Misc. No.67331 of 2022. Against the aforesaid order of this Court, the petitioner preferred SLP (Crl.) No.7091 of 2023, which was dismissed vide order dated 12.06.2023 by the Hon'ble Supreme Court. However, at the request of the learned counsel for the petitioner, time of two weeks was granted to the petitioner to surrender and apply for regular bail. The Hon'ble Supreme Court further directed that in such an event, bail application of the petitioner was to be considered on its own merits, expeditiously. The learned counsel further submits that certain new development took place in this case as the petitioner has solemnized marriage with the informant on 26.07.2023, after passing of the orders by the Hon'ble Supreme Court and they are living happily. The learned counsel for the petitioner at the outset submits that though the petitioner sought liberty of



surrendering before the learned trial court and such liberty was granted to the petitioner, in the light of fresh development, the petitioner has renewed his prayer for grant of anticipatory bail. The learned counsel further submits that due to some misunderstanding and confusion, the present case was lodged by the informant. Now good relationship has been restored between the informant and the petitioner and there exists no difference. Even a joint compromise petition has been filed before the learned trial court. The informant also does not want to continue with the criminal case lodged against the petitioner and the present case has become fit for quashing by the High Court as there are number of decisions of the Hon'ble Supreme Court on this point. The learned counsel further submits that the petitioner is a doctor and belongs to a respectable family and, as such, there is no chance of his absconding, if granted anticipatory bail.

5. Learned APP opposes the submission made on behalf of the petitioner on the ground that the allegations are quite serious.

6. Learned counsel appearing on behalf of the informant however submits that the informant is not ready and willing to pursue her case and she has solemnized marriage with



the petitioner and she wants to lead her life with the petitioner and has got no objection if the anticipatory bail is granted to the petitioner.

7. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that the informant is unwilling to pursue with the matter and marriage has taken place between the informant and the petitioner and notwithstanding earlier rejection of the prayer for grant of anticipatory bail of this petitioner and also taking lenient view of the conduct of the petitioner, let the petitioner, above named, in the event of his arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Patna, in connection with Mahila P.S. Case No. 82 of 2022, subject to the conditions mentioned in Section 438(2) of the Cr.P.C. and the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below, if so



required by the learned trial court.

(Arun Kumar Jha, J)

V.K.Pandey/-

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