

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3721 of 2024

Arising Out of PS. Case No.-29 Year-2024 Thana- MAHILA P.S. District- Bhagalpur

Harsh Choudhary @ Chunmun son of Mr. Uttam Choudhary @ Kumar Uttam
R/o- Near Kela Aadrat W.No-6, Ps- Kahalgaon Dist- Bhagalpur

... .. Appellant/s

Versus

1. The State of Bihar
2. X D/o- Sri Chamaklall Harijan Village- Madarganj Ps- Aamdanda Dist- Bhagalpur

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Ajay Kumar Thakur, Sr. Advocate Mrs. Vaishnavi Singh, Mr. Ritwik Thakur, Adv
For the Respondent/s	:	Mr. Sadanand Paswan, Spl. Public Prosecutor
For the Informant	:	Mr. Indeshwari Prasad Mandal, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 22-07-2025 Heard learned counsel for the appellant, informant and the State.

2. This criminal appeal has been filed against the order dated 12.07.2024 passed by learned Additional District & Sessions Judge-III-cum-Special Judge (SC & ST), Bhagalpur in ABP No. 1486 of 2024 in connection with Mahila P.S. Case No. 29 of 2024, instituted under Sections 376, 504, 506/34 of the Indian Penal Code and Sections 3(1)(r)(s)(w), 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of appellant has been rejected.

3. It is alleged that this appellant sexually exploited



the informant and prepared video of the same, on the basis of which, she was being black-mailed. Later on, appellant married with the informant and thereafter, started demanding dowry of Rs. 10 lacs.

4. Learned counsel for the appellant submits that appellant is innocent and has committed no offence. As a matter of fact, a divorce case bearing Matrimonial Case No. 175 of 2025 is already pending between the parties before learned Principal Judge, Family Court, Bhagalpur in which parties have entered into compromise. Both parties are living separately from 28.05.2024 and as per the terms of agreement, Rs. 25 lacs has been agreed as maintenance amount out of which Rs. 17 lacs has already been received by the informant. Deposition of parties as witnesses in support to the memorandum of agreement is annexed as Annexure-P/4 to the supplementary affidavit. Moreover, it is not the case of informant that alleged incident occurred within the public view, as such, no offence under SC/ST Act is made out against appellant. Appellant claims clean antecedent.

5. Learned counsel for the respondent no. 2 does not dispute the contention made on behalf of the appellant regarding compromise between the parties.



6. Considering the aforesaid facts, let the appellant, as named above, in the event of his arrest/surrender within a period of eight weeks from today, be enlarged on bail on furnishing bail-bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge-III-cum-Special Judge (SC & ST), Bhagalpur in connection with Mahila P.S. Case No. 29 of 2024.

7. Accordingly, this criminal appeal is allowed and impugned order dated 12.07.2024 is set aside with respect to this appellant only.

(Prabhat Kumar Singh, J)

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