

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.70316 of 2019**

Arising Out of PS. Case No.-174 Year-2018 Thana- KHODAWANDPUR District- Begusarai

Uday Sahani Son Of Saukhi Sahani Resident Of Village - Seikha Tola  
Ekamba, P.S.- Khodawandpur (Chhourahi O.P.), Distt - Begusarai.

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

**Appearance :**

For the Petitioner/s : Mr.Arvind Kumar Singh,Advocate

For the Opposite Party/s : Mr.Md.Fahimuddin,APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD**  
**ORAL ORDER**

4      27-10-2021                      Heard learned counsel for the petitioner and Mr. Md.  
Fahimuddin, learned APP for the State.

This is the second attempt of the petitioner to obtain pre-arrest bail in connection with Khodawandpur (Chaurahi O.P.) P.S. Case No. 174 of 2018 registered for the offences punishable under Sections 147, 148, 149, 341, 342, 323, 195(A), 504, 506, 363, 366(A) of the Indian Penal Code.

Learned counsel for the petitioner submits that in this case when Cri. Misc. No. 25016 of 2019 filed by the petitioner was taken up for consideration, he could not appear to assist this Court, as a result of his non-appearance this Court remained in impression that the victim girl has yet not returned and for that reason the anticipatory bail of the petitioner was rejected.

Learned counsel points out from Annexure '3' of the present application that in fact the victim girl had returned and



in the case of the family members of this petitioner who had moved before this Court for privilege of anticipatory bail in Cri. Misc. No. 28625 of 2019, the victim girl had filed a counter affidavit wherein she had specifically stated that she had left her house on her own volition and due to fear of her parents. She further stated that none had kidnapped her and because her parents wanted to marry her with an over aged person, she had left her home and gone to the place of her maternal grandfather at Patna. Taking note of such stand of the victim girl, the learned Co-ordinate Bench of this Court allowed the privilege of bail to the co-accused.

Learned counsel further submits that the victim girl is major and there is a specific statement in paragraph '11' of the petition that she has married the petitioner and is living with him.

In the nature of the materials present on the record, Mr. Md. Fahimuddin, learned APP for the State does not dispute that there is a change of circumstance in this case and hence, the second application for anticipatory bail is maintainable and is required to be entertained.

Considering the facts and circumstances and the materials noticed hereinabove, this Court allows this application



and directs the petitioner above named in the event of his arrest or surrender within a period of six weeks from today in connection with Khodawandpur (Chaurahi O.P.) P.S. Case No. 174 of 2018 be released on bail on furnishing of bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Manjhouli, Begusarai, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

The application stands allowed.

**(Rajeev Ranjan Prasad, J)**

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

