

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.20269 of 2017

Arising Out of PS.Case No. -459 Year- 2015 Thana -BANKA District- BANKA

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1. Nakul Modi Son of Late Ugal Kishore Modi, Resident of Village-
Tahakbani, P.S.- Chandan, District- Banka.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Brij Nandad Prasad

For the Opposite Party/s : Mr. Dr. Rabindra Kumar

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

5 06-09-2017 Heard the parties.

The petitioner seeks regular bail in connection with Banka P.S.Case No.459 of 2015 , registered for offences punishable under Sections 147, 148, 149, 447, 341, 323, 325, 307, 438, 427, 506 of the Indian Penal Code.

The petitioner is not named in the F.I.R. Allegation as per F.I.R. is that the accused persons have seized J.C.B and other articles of the informant as they were demanding ‘rangdari’ and that has not been fulfilled. It appears that the name of the petitioner has transpired on confession of the co-accused persons.

Submission of the learned counsel for the petitioner is that except confession there is nothing against the petitioner and he is in custody for about one year. It has also been submitted that all other co-accused have been granted bail and the case of the petitioner is similar to those co-accused persons.



Heard learned A.P.P. also, who has opposed the prayer for bail on the ground that the name of the petitioner has transpired on confession of the co-accused.

Having heard both sides and in view of the facts and circumstances, as stated above, and also considering the fact that the petitioner is in custody for about a year, let the petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Banka in connection with Banka P.S.case No.459 of 2015.

With following conditions :

- (i) One of the bailors of the petitioner shall be a local person having sufficient immovable property within the jurisdiction of the concerned court.
- (ii) The petitioner will not induce any witness or tamper with the evidence.
- (iii) The petitioner shall co-operate in disposal of trial and make himself available as and when required by the court. In the event of failure on his part to appear before the court below on two consecutive dates without showing any genuine reason, his bail bond shall be cancelled.
- (iv) The petitioner shall mark his attendance before the concerned police station of his area in the first week of each month till conclusion of the trial.

With the aforesaid observation, this application is allowed.

(Vinod Kumar Sinha, J)

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