

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.46053 of 2022**

Arising Out of PS. Case No.-254 Year-2015 Thana- AMARPUR District- Banka

Nakul Modi Son of Late Yugal Kishore Barnbal Resident of Village -  
Tahakbari, P.s.- Chandan, Distt.- Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Brij Nandad Prasad, Adv

For the Opposite Party/s : Mr. Ram Anurag Singh, APP

**CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH**  
**ORAL ORDER**

2      08-12-2022                      The learned counsel for the petitioner is directed to  
  
remove all the defects pointed out by the Stamp Reporter within  
  
one month.

Heard learned counsel for the petitioner and learned  
APP for the State.

Petitioner seeks regular bail in connection with Amarpur  
(Fullidumar) P.S. Case No. 254 of 2015 registered for the  
offences punishable under Sections 147, 148, 149, 341, 323,  
324, 307, 384, 386, 379, 504 and 506 of the Indian Penal Code,  
Section 27 of the Arms Act and Section 17 of the C.L.A. Act.

As per the prosecution, the informant and his associate  
workers were assaulted by 25-30 unknown persons armed with  
*Lathi, Danda*, etc. and also looted the associate workers of the  
informant.



The main submissions advanced by learned counsel Mr. Brij Nandad Prasad, appearing for the petitioner are that the petitioner had been granted bail by this Court vide order passed in Cr. Misc. No. 42004 of 2017 and after releasing from the custody the petitioner appeared before the Court below regularly but after some time on account of *Covid-19* pandemic he could not appear before the Court below owing to which his bail bond was cancelled on 04.04.2020 and he was taken into custody and he has been languishing in jail since 31.03.2022 and the petitioner did not misuse the privilege of bail intentionally and the same took place due to *Covid-19* pandemic situation.

Learned APP Mr. Ram Anurag Singh, appearing for the State has opposed the prayer for bail.

Having considered the above submissions and the ground taken by the petitioner for his non-appearance before the Court below and also his custody period and the fact that the misuse committed by the petitioner was his first misuse as per submission of the learned counsel for the petitioner, in the opinion of this Court the petitioner deserves to a lenient approach of this Court. Accordingly, let the petitioner be enlarged on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the



satisfaction of the concerned Court in connection with Amarpur (Fullidumar) P.S. Case No. 254 of 2015 on the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court below and shall remain physically present as directed by the Court below and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case the prosecution will be at liberty to move for cancellation of bail.

**(Shailendra Singh, J.)**

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