

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27981 of 2022

Arising Out of PS. Case No.-110 Year-2022 Thana- LAHERIYASARAI District- Darbhanga

1. Md. Ashfaque Rashid S/O Md. Sharfuddin Resident Of Bari Bazar, P.S.- Munger, District- Munger, Presently Residing At Rg-2 Hostel, Dmch, Darbhanga
2. Amrit Rai S/O Sri Saroj Rai Resident Of Telia Pokhar, P.S.- Begusarai, District- Begusarai, Presently Residing At Rg-2 Hostel, Dmch, Darbhanga
3. Prajjval Kumar S/O Sri Mahesh Kumar Resident Of Gudri Road, Dalsinghsarai, P.S.- Dalsinghsarai, District- Samastipur, Presently Residing At Rg-2 Hostel, Dmch, Darbhanga
4. Pushkar Mani S/O Sri Vinoy Shekhar Das Resident Of Chitragupta Nagar, P.S.- Madhubani, District- Madhubani, Presently Residing At Rg-2 Hostel, Dmch, Darbhanga
5. Saurabh Kumar Jha @ Saurabh Jha S/O Sri Sanjiv Kumar Jha Resident Of 53a, Saurav Vihar Part-3, P.S.- Jaitpur District- South Delhi, Presently Residing At Rg-2 Hostel, Dmch, Darbhanga
6. Arun Kumar Garg @ Arun Garg S/O Sri Sanjay Kumar Garg Resident Of B-83, Laxminarayan Puri, P.S.- Jaipur, District- Jaipur, Presently Residing At Rg-2 Hostel, Dmch, Darbhanga
7. Sumit Tiwari S/O Sri Gopal Jee Tiwari Resident Of Kamal Nath Nagar, P.S.- Betia, District- West Champaran, Presently Residing At Rg-2 Hostel, Dmch, Darbhanga

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N. K. Agrawal- Sr. Advocate
		Mr. Binod Kumar Sinha
For the Opposite Party/s :		Mr. Rajendra Nath Jha

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 11-07-2022 Heard learned senior counsel for the petitioners and
learned APP for the State.

The petitioners seek bail in anticipation of their arrest
in a case registered for the offences punishable under Sections



147, 148, 149, 323, 324, 307, 435, 436, 427, 120B of the Indian Penal Code.

The learned senior counsel for the petitioners submits that the petitioners are persons with clean antecedent and they are medical students, who are presently in their Final Year at D.M.C.H.

The learned senior counsel for the petitioners submits that the informant alleges that he is a proprietor of medical shop where the medical students of D.M.C.H. on a motorcycle came and demanded Maggie, on which informant replied that the same can be purchased from a nearby store namely, Laxmi Kirana Store, but they again demanded Alprazol tablet, which the informant replied, it was not available in the shop. Thereafter, it is alleged that the medical students started misbehaving and hurling abuses at the informant. It is next alleged that thus students, who had come to the shop went and called other students of D.M.C.H., who came variously armed and thereafter, it is alleged that the shop of the informant was set on fire and some other shops adjacent to the shop of the informant was also damaged and the students started pelting stones when police arrived. It is next alleged that the mob also set on fire the motor vehicle standing near the shop even threw



gas cylinder into the shop which burst with fire causing injury to several persons including the police officials.

The learned senior counsel for the petitioners submits that from bare perusal of the allegation as alleged in the F.I.R., it would manifest that the informant alleges that some students had come to his shop and on demanding medicine, there was a dispute on account of which, the present occurrence took place in which the final year students of D.M.C.H. also came and it is alleged that they participated in the occurrence. The learned senior next submits that from bare perusal of the allegation, it would manifest that the allegations are general and omnibus in nature. No specific role has been attributed to any of the students. It is next submitted that no doubt, the occurrence has taken place, but whether the petitioners participated in the occurrence or not is a question of trial and investigation. It is next submitted that their entire career would be jeopardized if they are sent to jail. It is also asserted and submitted that petitioners being hostelers and were known to the informant, as such, the informant, out of anger, named the petitioners.

Learned A.P.P. opposes the bail application.

Considering the submissions made by the learned senior counsel for the petitioners, the petitioners, above-named,



in the event of their arrest or surrender before the learned Court below within a period of six weeks, are directed to be released on bail on their furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Laheriasarai P. S. Case No.110 of 2022, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

However, it is made clear that till filing of the charge-sheet, the petitioners once in a month will mark their attendance in the concerned police station in between 25-30 of every month commencing from July, 2022, so that in the event, if the police requires them for questioning, they are available.

The application stands allowed with the aforesaid observation.

(Satyavrat Verma, J)

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