

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41341 of 2022

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

NITESH KUMAR Son of Mr. Vishwanath Singh Resident of village -
Mirzanagar Paharpur, P.S.- Mahua, District - Vaishali at present South Hostel,
D.M.C.H. Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vaishnavi Singh, Advocate

For the Opposite Party/s : Mr. Md. Matloob Rab, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 12-12-2022 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 147, 148, 149, 323, 324, 307, 435, 436, 427 and 120B of the Indian Penal Code.

The learned counsel for the petitioner submits that the petitioner is a person with clean antecedent and is a student of D.M.C.H. and presently is in his third Year.

The learned counsel for the petitioner 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 counsel for the petitioner 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 counsel 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 petitioner participated in the occurrence or not is a question of trial and investigation. It is next submitted that his entire career would be jeopardized if he is sent to jail. It is also asserted and submitted that petitioner being hosteler and was known to the informant, as such, the informant, out of anger, named the petitioner.

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

Considering the submissions made by the learned counsel for the petitioner, the petitioner, above-named, in the event of his 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 petitioner once in a month will mark his 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 him for questioning, he is available.

The application stands allowed with the aforesaid observation.

(Satyavrat Verma, J)

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