

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40023 of 2024

Arising Out of PS. Case No.-168 Year-2024 Thana- KHAGARIA District- Khagaria

1. Joginder Paswan @ Yogendra Paswan Son of Daho Paswan R/O Vill.- Ward no.- 7, Sansarpur, P.S.- Khagari(Mufassil), Dist.- Khagaria
2. Ujala Kumar @ Ujjala Kumar Son of Joginder Paswan @ Yogendra Paswan R/O Vill.- Ward no.- 7, Sansarpur, P.S.- Khagari (Mufassil), Dist.- Khagaria
3. Sujala Kumar Son of Joginder Paswan @ Yogendra Paswan R/O Vill.- Ward no.- 7, Sansarpur, P.S.- Khagaria(Mufassil), Dist.- Khagaria

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Samrendra Jha, Advocate
For the Opposite Party/s : Mr.Choubey Jawahar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 03-07-2024 Heard the parties.

2. The petitioners are apprehending arrest in connection with Khagaria (Mufassil) P.S. Case No. 168 of 2024 instituted under Sections 147, 148, 149, 341, 323, 307, 353, 504, 506, 427 of the Indian Penal Code and section 3 of Bihar Control, Use & Pay of Loudspeaker Act, 1955 lodged on 13.3.2024 by the informant, Sunil Choudhary.

3. As per the prosecution story, the informant, who is Sub-Inspector of Police posted at Mufassil P.S., Khagaria alleged that on 13.4.2024 allegation was made from Additional District & Sessions Judge, Khagaria about playing of



Loudspeaker-DJ behind the Judges Colony in loud volume causing disturbance to them. He further alleged that when he alongwith other police personnel went to the place and tried to convince the people to lower down the volume of the D.J., about 8-10 unknown persons started abusing the informant. Upon objection, they pelted stones and also assaulted with lathi and damaged a vehicle.

4. Learned counsel for the petitioners submit that the petitioner are innocent and have been falsely implicated in this case with ulterior motive. There was a morning and the police came and made it stop playing of D.J. He further submits that they do not have any criminal antecedent and irrespective of the outcome of the present case and/or accepting the allegation, the petitioners intends to contribute Rs. 2000/- each (totalling Rs. 6000/-) to be paid through Bank Draft issued by the local State Bank of India in favour of Khagaria (Mufassil) Police Station exclusively for the purchase of stationery.

5. Learned APP opposes the prayer submitting that the allegation against the petitioners is of playing D.J. in loud volume and also assaulted the police party.

6. It is unfortunate that the people fail to understand that the loud sound of DJ/loudspeaker specially in the late night



greatly affects those residing there. The students are unable to study, the heart patient suffers, the people fail to get proper sleep but to celebrate a function, the people ignore all these concern. However, here an FIR has been lodged, the petitioners will have to face the music, they do not have criminal antecedents, this Court is inclined to grant them relief subject to payment of Rs. 2000/- each as undertaken by the learned counsel for the petitioners to be paid through Demand Draft issued by the local SBI.

7. Let the petitioners be released on bail, in the event of their arrest or surrender before the subordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each in connection with Khagaria (Mufassil) P.S. Case No. 168 of 2024 to the satisfaction of learned Chief Judicial Magistrate, Khagaria subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also the other conditions.

(i) one of the bailor should be the family member of the petitioners who shall provide official document to show his/her bona fide;

(ii) the petitioners shall appear on each and every date



before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bond by the Trial Court itself;

(iii) the petitioners shall co-operate in the investigation and make themselves available to the police as and when required;

(iv) the petitioners shall appear before the concerned police station every fortnight for next six months to mark their attendance;

(v) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(vi) the petitioners shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

(Rajiv Roy, J)

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