

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45979 of 2024

Arising Out of PS. Case No.-101 Year-2024 Thana- BUXAR MUFFSIL District- Buxar

1. Rajendra Tiwari, son of Late Jagnarayan Tiwari.
2. Pradeep Tiwari Son Of Rajendra Tiwari
3. Chandrabhushan Tiwari, son of Chandrashekhar Tiwari
4. Sanjay Tiwari, son of Late Ramdeo Tiwari
5. Rishikesh Upadhyay, son of Late Ramdarash Upadhyay
6. Mundrika Choudhary Son Of Late Deepchandra Choudhary
7. Mohanchandra Choudhary Son Of Late Rambachan Choudhary
8. Kashi Singh Son Of Late Jagmohan Singh.
All are resident of village- Banarpur, PS- Buxar Muffasil, Dist- Buxar
9. Abhimanyu Rai Son Of Siddhnath Rai, resident of Village-Sikraul, P S- Rajpur, Dist- Buxar
10. Mahendra Rai, Son Of Kedarnath Rai Village- Kochadhi, PS- Rajpur, Dist- Buxar
11. Rajkishor Rajbhar Son Of Late Ramroop Rajbhar Village- Mohanpurawa, Ps- Rajpur, Dist- Buxar
12. Ambika Rai Son Of Kashi Rai Village- Ghurahupur, Ps- Brahmpur, Dist- Buxar

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner	:	Mr. P.N. Shahi, Senior Advocate
		Mr. Ravi Kumar, Advocate
For the Opposite Party	:	Mr. Tarun Prasad Mandal, APP

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 03-07-2024 Heard Sri P.N. Shahi, learned Senior Counsel for the petitioners; Sri Lalit Kishore, learned Senior Counsel for the Thermal Power Plant and learned APP for the State.

2. This application for grant of regular bail arises out of Buxar Mufassil P.S. Case No.101 of 2024 registered for the offence punishable under sections 147, 148,



149, 341, 323, 342, 324, 325, 326, 307, 353, 332, 333, 337, 338, 109, 427, 435, 188 and 120-B of the Indian Penal Code and under section 25(1-b)a, 26, 27 and 35 of the Arms Act.

3. The present FIR has been registered on the basis of a written application dated 20.03.2024 submitted by Chandan Kumar Yadav, SHO of Buxar Mufassil Police Station *inter alia* alleging that on 20.03.2024 at about 08:20 A.M. he received information from the officers of under construction Chausa Thermal Power Plant that since 09.03.2024, the farmers are restraining the workers and employees of the Chausa Thermal Power Plant to enter into the Plant and today they are pelting stones on the main gate of the Plant. On the basis of the said information, the informant along with other Police personnel reached on the spot and asked the protesters to follow the order passed by the Court but, they did not pay any heed and they became more aggressor. Seeing the critical situation, the informant - SHO and his team returned at the Police Station and discussed the matter with higher authority and demanded more police force to control the situation. Thereafter, again Police party reached on the spot and on seeing the police party, the protesters attacked on Police party with deadly weapons including *lathi*, *danda*, iron rod, axes etc. In the said attack,



some Police personnel sustained injuries. Thereafter, the police party again returned to the Police Station and matter was reported to higher authorities. Thereafter, the police team along with other officers of administration reached on the place of occurrence but on seeing the police party, the entire crowd became violent and they again started pelting stones on the Police party. Upon seeing the critical situation, the crowd was declared as unlawful assembly and it was ordered to disperse it. About eleven rounds of tear gas were fired and some of the protesters were apprehended by the police.

4. The petitioners are in custody since 23.03.2024.

5. It has been submitted by learned Senior Counsel for the petitioners that the petitioners are innocent and they had participated in the protest against non-payment of compensation/less payment of compensation against the Thermal Power Plant and because of that they have been made accused after being brutally assaulted by the local police and most of the petitioners have sustained injuries at the hands of the police.

6. Sri Lalit Kishore, learned Senior Counsel for the Thermal Power Plant vehemently argued and opposed the



bail of the petitioners by submitting that a project of public importance cannot be stopped because of the violent protest of the petitioners. If the petitioners want enhanced compensation they should have taken legal remedies but they should not have stopped the work.

7. Considering the entire facts and circumstances of the case and also the period of custody of the petitioners, this bail application is allowed.

8. Let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Buxar, in connection with Buxar Mufassil P.S. Case No.101 of 2024.

9. This is also subject to the condition that each of the petitioner will give individual affidavit to the effect that he will not participate in any protest against the company and he will not involve in any criminal activity. Violation of any of the terms of the affidavit will lead to the cancellation of the bail bonds of the petitioners.

(Sandeep Kumar, J)

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