

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79428 of 2024

Arising Out of PS. Case No.-2 Year-2024 Thana- BADDI District- Rohtas

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BHOLA KUMAR SONI SON OF BHIKHARI SETH @ RAM DAS
RESIDENT OF VILLAGE - KUDRA, P.S. - KUDRA, DISTRICT- KAIMUR
(BHABHUA)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Ms.Ojaswee Kumari, Advocate
For the Opposite Party/s : Mr.Jai Narain Thakur, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 19-11-2024 Heard Ms. Ojaswee Kumari, learned counsel for the
petitioner and the State.

2. The petitioner is in judicial custody in connection
with Rohtas (Baddi) P.S. Case No. 02 of 2024 for the offence
punishable under Sections 191(2), 191(3), 190, 293, 121 (1),
61(2), 125(a), 132, 109, 329(3), 352 of Bhartiya Nyaya Sanhita,
2023 lodged on 23.08.2024 by the informant, Sagar Kumar
Rawat.

3. As per the prosecution story, the informant, the
police official alleged that after the death of a person, putting
him on a cart, it was produced before the concerned police
station and 100 of people created chaos. In the process, they



also abused/assaulted police personnel and only after the senior police officials were informed, the matter could be brought to normal situation. Those, who were identified, have been named in the FIR, the petitioner being one of them.

4. Learned counsel for the petitioner submits that he being a relative of the deceased was unfortunately there. The family members had gone to lodge FIR, followed by cremation, chaos happened which resulted their implication. This petitioner has no criminal antecedent, is in custody since 24.08.2024 (para-4 of the petition) and the last submission is that irrespective of the outcome of the present case and/or accepting the allegation, the petitioner intends to contribute Rs.2000/- to the Chief Minister's Relief Fund through Demand Draft issued by the local branch of the State Bank of India.

5. Learned APP opposes the prayer.

6. Taking into account the aforesaid submission put forward by the parties, number of people have been implicated, it is unfortunate that once the death takes place, the public tries to take law and order in their own hands and in the process, the Police fails to do their duties assigned to them. However, he has remained in custody since 24.08.2024 having no criminal antecedent, this Court is inclined to extend him the privilege of



bail subject to payment of Rs. 2000/- as stated above.

7. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned C.J.M., Rohtas at Sasaram, in connection with Rohtas (Baddi) P.S. Case No. 02 of 2024 subject to the following conditions:

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

(ii) the petitioner 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 his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(iv) the petitioner 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;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty



to take steps for cancellation of his bail bonds.

8. Before parting, this Court would like to put on record its word of appreciation for Ms. Ojaswee Kumari, learned counsel for the petitioner for the proper assistance rendered in the matter.

(Rajiv Roy, J)

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