

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22378 of 2025

Arising Out of PS. Case No.-146 Year-2024 Thana- RAJPUR District- Rohtas

1. Lal Babu Chaudhary S/o Ram Sakal Choudhary Resident of Village- Srinagar Suara Tola, PS- Baghaila, District- Rohtas at Sasaram
2. Bharath Chaudhary S/o Ram Sakal Chaudhary Resident of Village- Srinagar Suara Tola, PS- Baghaila, District- Rohtas at Sasaram
3. Dhun Mun Chaudhary S/o Ram Sakal Chaudhary Resident of Village- Srinagar Suara Tola, PS- Baghaila, District- Rohtas at Sasaram
4. Madan Chaudhary S/o Shiv Bachan Chaudhary Resident of Village- Srinagar Suara Tola, PS- Baghaila, District- Rohtas at Sasaram
5. Radhika Devi @ Ranti Devi W/o Radhey Shayam Chaudhary Resident of Village- Srinagar Suara Tola, PS- Baghaila, District- Rohtas at Sasaram
6. Radhey Shyam Chaudhary S/o Late Bhabhuti Choudhary Resident of Village- Srinagar Suara Tola, PS- Baghaila, District- Rohtas at Sasaram
7. Arjun Chaudhary S/o Late Bhabhuti Chaudhary Resident of Village- Srinagar Suara Tola, PS- Baghaila, District- Rohtas at Sasaram

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Chhote Lal Mishra, Advocate
Mr. Jyoti Prasad, Advocate
For the Opposite Party/s : Mr. Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

4 02-05-2025 Heard the parties.

2. The petitioners are apprehending arrest in connection with Rajpur P.S. Case No. 146 of 2024 instituted under Sections 191(2)/191(3), 190, 127(1), 115(2), 109, 132, 352, 125(A), 125(B) of B.N.S. Act, 2023 lodged on 29.08.2024



by the informant, Lalbabu Ram.

3. As per the prosecution story, the informant alleged that during night patrolling, they reached near Rajpur Chowk, the Constable deputed dialed **112** came and informed that a quarrel has taken place between the parties and they have resorted to firing. As the police personnel went there, they found the sound of D.J.; the people, both male and female were present there with sticks in their hands. When the Police reached there, they started abusing/assaulting the Police causing injuries to the Mahal Chowkidar, Nirmal Ram. Thereafter, the FIR was lodged against the named accused persons.

4. Pursuant to the last order, the SHO, Rajpur Police Station, Rohtas is present alongwith affidavit and contrary to the Bihar Control of the Use and Play of Loudspeaker Act, 1955 which talks about seizure of the Loudspeaker/ now D.Js and /Noise Pollution (Regulation and Control) Rules, 2000; it has been recorded in a very casual manner that nine shops are using D.J. instruments, without any license issued to them and they have been warned in this matter.

5. This Court is afraid. In complete violation of the law and without any license, the D.J. instruments are being used by nine owners and in one such incident, this FIR came to



be lodged where even the police officials have been injured. However, here is the stand of the Mr. Shashi Bhushan Kumar, the SHO, Rajpur Police Station is that without license, the D.J. instruments are being used and they have been warned. In doing so, he has not even recorded as to why the D.J., being played without license were not seized/fined.

6. In that background, he is required to submit another report on the next date of hearing on the action taken by him or the erring D.Js people who are doing noise pollution without license. Beside creating chaos and fights wherever the police officials were injured, it certainly affects the school going children, the ailing parents and the old people.

7. So far as the case is concerned, the affidavit of SHO, Rajpur Police Station shows that contrary to the facts recorded in paragraph-3, there are certain antecedent against the petitioners also.

8. Learned counsel for the petitioner submits that omnibus allegation is against all the accused persons, the injuries are simple and further, if granted relief, they shall be diligently appearing in trial and shall not indulge in any criminal activity. Further, the male petitioners no. 1 to 4, 6 and 7 undertake to visit the Rajpur Police Station every week



(Saturday & Sunday) for a month for two hours to clean the campus between 9:00 to 11:00 A.M. and/or the time given by the SHO, Rajpur Police Station and at the end of the month, shall also be planting saplings, if granted relief.

9. Further, irrespective of the outcome of the present case and/or accepting the allegation, the petitioners intend to pay Rs.5000/- each (totalling Rs. 35,000/-) towards treatment cost of the five injured police officials namely **1. Sheela Kumari** (Police no. 439), **2. Lal Babu Ram (ASI)**, **3. Vikas Singh** (Police no. 112), **4. Rajni Kant** (constable-565) and **6. Anup Kumar Gupta (constable-565)** as also Rs. 10,000/- for purchase of flower pots for the Rajpur Police Station through Demand Draft issued by the local branch of the State Bank of India.

10. Learned APP opposes the prayer submitting that all of them assembled and the allegation of assaulting the police personnel is also there.

11. Taking into account the aforesaid facts as also that there is omnibus allegation, the FIR is lodged, they shall be facing the trial, an undertaking has been given that they shall be diligently appearing in trial, in that background, this Court is inclined to extend them the privilege of anticipatory bail subject



to payment of Rs. 35,000/- and (Rs.5000/-) each shall be given to the five police personnel wherever they are posted and Rs.10,000/- for purchase of flower pots for the Rajpur Police Station through Demand Draft issued by the local branch of the State Bank of India and issued in favour of the S.H.O., Rajpur P.S. They are further required to visit the Police Station, Rajpur to clean the campus as recorded above and plant sapling at the end of the month failing which appropriate steps shall be taken against them.

12. Mr. Jitendra Kumar Singh, learned APP shall be providing all the details including the action taken against the D.J.owners by way of the second affidavit/report of the SHO, Rajpur Police Station.

13. 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 Rajpur P.S. Case No. 146 of 2024 to the satisfaction of learned Judicial Magistrate-1st Class, Bikramganj, Rohtas 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 (except petitioner no.5 Radhika Devi @ Ranti Devi) 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.

14. The personal appearance of the SHO, Rajpur



Police Station is dispensed with.

15. List this case on 04.07.2025 under the heading
“To Be Mentioned” to peruse the report.

(Rajiv Roy, J)

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