

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74857 of 2024

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

Tinku Kumar S/o Sri Rajesh Sah R/o Village- Sukuhi, P.O.- Khurhiya, PS-Baddi , Dist- Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 75138 of 2024

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

Chandan Kumar Son of Yamuna Ram @ Yamuna Prasad R/vill - Dandwadih, P.S. - Baddi, Distt. - Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 76282 of 2024

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

1. Sheo Kumar Son of Kanhaiya Singh @ Kanhaiya Yadav Village- Kala Shahar, Police Station- Baddi, District- Rohtas

2. Mantu Kumar son of Kanhaiya Singh @ Kanhaiya Yadav Village- Kala Shahar, Police Station- Baddi, District- Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 74857 of 2024)

For the Petitioner/s : Mr. Rajani Kant Singh, Advocate

For the State : Mr. Jitendra Kumar Singh, APP

(In CRIMINAL MISCELLANEOUS No. 75138 of 2024)

For the Petitioner/s : Mr. Kuber Pathak, Advocate

For the State : Mr. Bharat Bhushan, APP

(In CRIMINAL MISCELLANEOUS No. 76282 of 2024)

For the Petitioner/s : Mr. Birendra Kumar Singh, Advocate

For the State : Mr. Sanjay Kumar Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 06-02-2025 Heard the parties.

2. The petitioners are in judicial custody in connection



with Baddi P.S. Case No. 02 of 2024 for the offences punishable under Sections 191(2), 191(3), 190, 293, 121(1), 61(2), 125(a), 132, 109, 329(3) and 352 of Bharatiya Nyaya Sanhita, 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 petitioners submit that they were mourning the death of one member of locality but implicated. They have no criminal antecedent, are in custody since 24.08.2024 and the last submission is that irrespective of outcome of the present case and/or accepting the allegation, the petitioners intend to contribute Rs.3,000/- each to the Chief Minister's Relief Fund, Bihar through Demand Draft issued by the local branch of the State Bank of India.

5. Learned APP for the State opposes the prayer submitting that they were part of unlawful assault.



6. Taking into account the aforesaid submissions put forward by the parties, 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 disturb the entire town, as we witness everyday. The public also fails to do its duty and completely allows the hooligans to rule the area. However, the petitioners have remained in custody since 24.08.2024 having no criminal antecedent, this Court is inclined to extend them the privilege of bail subject to payment of Rs.3,000/- each as recorded above.

7. Let the petitioners be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Rohtas at Sasaram in connection with 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 petitioners who shall provide official document to show his *bona fide*;

(ii) the petitioners shall appear on each and every date before the Trial Court failure to do so for two consecutive dates without plausible reason will entail cancellation of their bond by the Trial Court itself;

(iii) the petitioners shall appear before the concerned



police station every month for next one year to mark his attendance;

(iv) 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;

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

(vi) all the petitioners shall be visiting the Police Station continuously for one week after release to clean the campus and plant sapling in the said campus. The SHO of Rohtas (Baddi) Police Station thereafter shall submit a report about their presence in the campus and photograph of the saplings they will plant in the Police Station campus.

8. List this case under the heading 'To Be Mentioned' on 28.02.2025 to peruse the report submitted by the SHO of the Rohtas (Baddi) Police Station through Mr. Jitendra Kumar Singh, learned APP.

(Rajiv Roy, J)

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