

IN THE HIGH COURT OF JHARKHAND AT RANCHI
W.P.(Cr.) No. 332 of 2025

1. Birendra Kumar Tiwari, S/o Ganesh Dutt Tiwari, R/o Director I/c, Bunglow, Bokaro Steel City, P.O. Bokaro Steel City, P.S. Bokaro Steel City, District Bokaro 827 001 (Jharkhand)
2. Rajshree Banerjee, D/o Late Hara Prasad Banerjee, R/o Q. No. 1064, Sector IV/B, P.O. Sector IV, P.S. Sector IV, District Bokaro **Petitioners**

Versus

1. The State of Jharkhand
2. Gomti Devi, W/o Biru Mahto, R/o Village- Thakurtand, P.O. Tupkadih, P.S. Jaridih, District- Bokaro, Jharkhand- 827010 **Respondents**

With

W.P.(Cr.) No. 331 of 2025

1. Hari Mohan Jha @ Hari Mohan, S/o Late S.N. Jha, R/o Qtr. No. 1026, Sector 5/A, Bokaro Steel City, P.O. Sector 6, District Bokaro
2. Prabhakar Kumar, S/o Late Kameshwar Prasad, R/o Qtr. No. 5008, Sector 4/D, Bokaro Steel City, P.O. Sector 4, P.S. Sector 4, District Bokaro
3. Alok Chawla, S/o P.L. Chawla, R/o Q.No. 1115, Sector 4/C, Bokaro Steel City, P.O. Sector 4, P.S. Sector 4, District Bokaro **Petitioners**

Versus

The State of Jharkhand **Respondent**

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P R E S E N T

HON'BLE MR. JUSTICE RONGON MUKHOPADHYAY

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For the Petitioner(s)	: Mr. Indrajit Sinha, Advocate Mr. Bibhash Sinha, Advocate Mr. Akhouri Awinash Kumar, Advocate
For the State	: Mr. Deepankar, AC to G.A.-III Ms. Sunita Kumari, AC to Sr. S.C.-II
For the Resp. No. 2	: Mr. Alok Kumar Verma, Advocate (In W.P.(Cr.) No. 332 of 2025)

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C.A.V. on 12/05/2026

Pronounced on 01/06/2026

Per Rongon Mukhopadhyay, J.

Heard Mr. Indrajit Sinha, learned counsel for the petitioners, Mr. Deepankar, learned AC to G.A.-III and Mr. Alok Kumar Verma, learned counsel appearing for the respondent no. 2.

2. Since in both these writ applications a common prayer has been made by the writ petitioners the same are being disposed of by this common order.

3. In these writ applications, the petitioners have prayed for quashing of the First Information Report in connection with B.S. City P.S. Case No. 64 of 2025 instituted for the offences under Sections 126(2), 127(2), 115(2), 117(2) 109, 103 and 161(2) of BNS, 2023 now pending in the Court of learned Judicial Magistrate, 1st Class, Bokaro.

4. The prosecution case arises out of the written report of Viru Mahto, in which, it has been stated that a peaceful dharna was being staged on 03.04.2025 by the members of “Visthapit Apprentice Sangh” in front of the Administrative Building of SAIL, Bokaro Steel Plant. It has been alleged that an indefinite dharna and demonstration was going on when all of a sudden at about 5:00 P.M. on the basis of the order given by Birendra Kumar Tiwari (Director Incharge), Smt. Rajshree Banerjee, [Executive Director (P&A)], Shri Hari Mohan Jha, [Chief General Manager, (Personnel)], Prabhakar Kumar, [General Manager (IR Department)], the present DIG, CISF and one Shri Chawla, CISF Incharge about 100 CISF personnel had made lathi charge on the demonstration leading to one Prem Prasad sustaining injuries which ultimately turned fatal. It has been alleged that the members of the “Visthapit Apprentice Sangh” were brutally assaulted and the accused persons wanted to create a riotous situation. The advance notice of the dharna and demonstration was given to the District Administration as well as to the Administration of Bokaro Steel Plant but the accused persons in connivance with the CISF personnel had carried out a dastardly attack on the members of the Sangh in order to prevent the members of the Sangh to raise any demands in future.

5. Based on the aforesaid allegations B.S. City P.S. Case No. 64 of 2025 was instituted for the offences punishable under Sections 126(2), 127(2), 115(2), 117(2) 109, 103 and 161(2) of BNS, 2023.

6. Mr. Indrajit Sinha, learned counsel for the petitioners has submitted that Bokaro Steel Limited is a unit of Steel Authority of India Limited and its premises is of national importance and the security aspect of the premises is looked after by the CISF which is deployed there. The CISF is an independent paramilitary force under the control of Ministry of Home, Govt. of India and the officials of Bokaro Steel Limited have no command over them. It has been submitted by Mr. Sinha that the premises of the Administrative Building of BSL is a restricted/protected area where no protest is allowed as per the Bihar Gazette notification dated 13.10.1969 issued under Clause (c) and (d) of sub-section (8) of Section 2 of the Official Secrets Act, 1923. The said premises is also a “Protected Place” as per notification no. S.O.908-C issued under Section 3 of the Bihar Protected Places Act, 1979 on order of Hon’ble the Governor of Bihar. It has been submitted that the “Visthapit Apprentice Sangh” had intimated on 01.04.2025 about the indefinite dharna scheduled to be held in front of the Administrative Building of BSL and the General Manager (Security), BSL vide his letter dated 01.04.2025 had consequently informed the District Administration, i.e. Sub-Divisional Officer, Chas, Bokaro about such indefinite dharna and had requested him to make necessary security arrangements in this regard. The Sub-Divisional Officer, Chas, Bokaro in view of the upcoming Ramnavami festival and taking into consideration the law-and-order situation vide letter dated 02.04.2025 communicated his order to the office bearers of “Visthapit Apprentice Sangh” not to carry out any dharna and demonstration. The said letter was also marked to the Circle Officer, Chas and the Officer Incharge, B.S

City, P.S. to ensure that in case of violation of the order appropriate legal action be taken by them. Mr. Indrajit Sinha after giving a factual background of the case has further submitted that on 03.04.2025 despite the restrictions imposed by the Sub-Divisional Officer, Chas a large number of persons connected to the “Visthapit Apprentice Sangh” had gathered at the prohibited place and had started stone pelting on the security personnel of BSL as well as upon the CISF personnel which led to serious injuries suffered by several CISF personnel. This incident led to institution of a First Information Report by the Circle Officer, Chas who was deputed as a Magistrate being B.S. City P.S. Case No. 71 of 2025 as well as another First Information Report instituted by the DGM (Security) SAIL, BSF being B.S. City P.S. Case No. 69 of 2025 with respect to the damages and destructions carried out in the premises of BSL. The damages caused by the agitators in the premises of BSL was substantial. Advancing his arguments, Mr. Sinha has submitted that the allegations levelled in the First Information Report are absurd, improbable and beyond the comprehension of any prudent man. Even if, the allegations are taken at their face value no prima facie offence is made out against the petitioners. The agitation by the members of the “Visthapit Apprentice Sangh” demanding employment in BSL whose lands were acquired before 1966 is contrary to the decision of the Hon’ble Supreme Court in Appeal (Civil) No. 1174/08. It has been submitted that lodging of the First Information Report demonstrates that the criminal proceeding is manifestly attended with mala fide and an ulterior motive in order to wreck vengeance on the petitioners. The CCTV footage also does not support the allegations levelled against the petitioners in the First Information Report and it materially undermines the prosecution case and renders the allegations against the petitioners highly doubtful and unworthy of credence. This Court is not precluded to end such

prosecution of the petitioners even if the investigation is at its nascent stage if it comes to a conclusion that no offence is made out against the accused persons. The Court is also not prevented to assess the surrounding circumstances to arrive at a conclusion as to whether an offence is made out or not. Mr. Sinha, in support of his submissions touching upon the various facets of the case has relied upon the case of *“Imran Pratapgadhi vs. State of Gujarat and Another”*, reported in 2025 SCC OnLine, SC 678, *“Sajal Bose vs. State of West Bengal and Others”*, reported in 2026 SCC OnLine SC 525 and *“Sujoy Ghosh vs. State of Jharkhand and Another”*, reported in 2026 SCC OnLine SC 454.

7. Mr. Alok Kumar Verma, learned counsel appearing for the respondent no. 2 has referred to Section 9 of the CISF Act, 1968 while submitting that the CISF deployed was in direct control of the Public Sector Undertaking and its management and consequently the constable of CISF who had assaulted the deceased Prem Mahto was under the direct control and supervision of the petitioners. If the management was intending to disperse the peaceful demonstrators it could have resorted to shelling of Tear Gas or Water Spray instead of opting for a violent method which snuffed out the life of an agitator demanding a job on being displaced at the time of setting up of the Steel Plant. The interim order of “no coercive steps” passed by this Court has thwarted and stalled the investigation as the same has prevented the Police from submitting charge sheet. It has been submitted that the allegations prima facie constitutes an offence against the petitioners. Though the incident had occurred outside the premises of the Plant but the said area was cordoned off by the CISF. The CISF personnel on the orders of the petitioners had transgressed their area of control and had attacked the peaceful protesters with lathis which resulted in the death of Prem Kumar Mahto and injuries suffered by several others. The First Information Report was not instituted for

wrecking vengeance upon the petitioners as the culpability of the petitioners in the entire episode is stark on the face of it. Mr. Verma has submitted that the case does not fall under the category of rarest of rare cases and it would be premature to consider the allegations at this stage when the investigation is still pending. He has thus prayed for dismissal of both the writ applications.

8. Mr. Deepankar, learned AC to G.A.-III has submitted that the assault upon the agitators was brutal and indiscriminate and in which Prem Kumar Mahto had died. Several other members of the “Visthapit Apprentice Sangh” suffered grievous injuries. The postmortem report of Prem Kumar Mahto reveals the cause of death as “cardio respiratory failure due to severe injury on the head”. It has been submitted that it was on the order of the petitioners that brutal force was used against the agitators and the CCTV footage and the video recording of the incident would be a pointer to the said fact. Investigation is pending and further materials are likely to be collected in course of investigation.

9. I have heard the learned counsel for the respective parties.

10. The prologue to the episode of demonstration by the “Visthapit Apprentice Sangh” and the subsequent use of force to disperse the agitators goes back a long way to the 1960s when the setting up of a Steel Plant at Bokaro was conceptualized and for the purposes of which huge tracts of lands were acquired. The displaced families have sought for employment since ages for which agitations and demonstrations had become a routine affair. Courts were also approached by the displaced persons seeking redressal of their grievance and ultimately in Appeal (civil) 1774 of 2008 the Hon’ble Supreme Court had made the following observations:

11. *Be that as it may, it is now high time to put an end to the litigation. It is an admitted fact that the project*

was completed way back in 1966 and even after more than 40 years of the completion of the project, people whose land was acquired for the purposes of the project are still litigating for getting employment. This is not at all warranted. At the relevant time, the intention of the government was to rehabilitate the landless people whose lands had been acquired and to provide employment to one member of the displaced family so that they could maintain the family so displaced. It was not at all the intention of the government to distribute this kind of largesse on an indefinite basis. This is nothing but an abuse of the process of Court.

11. Even after all these decades demonstrations and agitations are being resorted to and the agitation on 03.04.2025 became obstreperous leading to a lathi charge upon the agitators causing a fatality and injuring several others. This incident has led to institution of three First Information Reports including the subject matter of the instant writ applications. The petitioners have been implicated on the allegation that it was at the instance of the petitioners the lathi charge was resorted to upon the demonstrators by the CISF personnel. The petitioners are high ranking officials of BSL; the petitioner nos. 1 and 2 in W.P.(Cr.) No. 332 of 2025 are the Director Incharge and Executive Director (P&A) respectively of BSL while the petitioners in W.P.(Cr.) No. 331 of 2025 are the CGM (Personnel), General Manager (IR Department) and General Manager (Security) respectively. The agitation was being held by “Visthapit Apprentice Sangh” despite the Sangh being not allowed to hold agitation and gherao by the Sub-Divisional Officer, Chas, Bokaro vide his communication dated 02.04.2025. Such refusal was based on the fact that on 06.04.2025 due to Ramnavami festival procession would be carried out by various ‘Akharas’ and for maintaining law and order a large number of Police personnel have been deputed. The refusal of permission of demonstration and gherao did not deter the members of the “Visthapit Apprentice Sangh” in continuing with their predesigned meeting involving several displaced families who were dispersed by the lathi wielding CISF personnel.

12. The culpability or otherwise of the petitioners in the incident has to be discerned from the surrounding circumstances and on a reading between the lines. In the case of “*Sujoy Ghosh vs. State of Jharkhand and Another*” (supra), it has been held as follows:

14. When an accused seeks quashing of either the FIR or criminal proceedings on the ground that such proceedings are manifestly frivolous, vexatious or malicious, the Court is duty bound to examine the matter with greater care. It will not be just enough for the Court to look into the averments made in the FIR/complaint alone for the purpose of ascertaining whether the necessary ingredients to constitute the alleged offence are disclosed or not. In frivolous or vexatious proceedings, the Court owes a duty to look into many other attending circumstances emerging from the record of the case, over and above the averments and, if need be, with due care and circumspection, and try to read in between the lines. The Court while exercising its jurisdiction under Section 482 of the Code or Article 226 of the Constitution need not restrict itself only to the stage of a case but is empowered to take into account the overall circumstances leading to the initiation/registration of the case as well as the materials collected in the course of investigation.

13. In the context of the above the case diary which is on record has been perused. The witness Gautom Kumar who is a member of the “Visthapit Apprentice Sangh” has stated that a peaceful agitation was going on when at about 4:00-5:00 P.M. on the orders of the high officials of BSL the CISF personnel had resorted to an indiscriminate lathi charge which resulted in the death of Prem Kumar Mahto and several persons suffered injuries. This statement is reiterated by the other witnesses namely, Surendra Kumar Mahto, Santosh Das, Shambu Nath Mahto and Rukshana Khatoon. The witness Mahti Boipai, Sub Inspector of Police has stated that on 03.04.2025 about 30 Police personnel including him were deputed to maintain law and order and the CISF personnel were also present at the spot. The demonstration was being carried out in front of the main gate of the Administrative Building of BSL which was a restricted area. The

agitators were laced with lathi and danda and they resorted to vandalism and also directed their ire upon the passersby as well as damaging the vehicles which were stationed nearby. Despite trying to pacify the situation it became worse and the agitators had attacked the CISF personnel many of whom suffered injuries. He has also stated that the stick thrown at the CISF personnel was returned back which struck Prem Kumar Mahto on his head causing his death. The statement of the other Police personnel is a reflection of the statement of Mahti Boipai. The CCTV footage and the drone footage as depicted in paras 104, 105, 106 and 108 reinforce the statement of the Police witnesses. The agitation itself was in defiance to the letter of the Sub-Divisional Officer, Chas refusing permission to hold an agitation and a dharna. The statement of the witnesses specially the members of the “Visthapit Apprentice Sangh” categorizes a vague and insipid role played by the petitioners primarily designed as it seems to pressurize the management into subjugation. In fact, for the same incident two other First Information Reports have also been instituted. It is no doubt true that the investigation into the present case has not been completed but the same would not deter the Court to prevent miscarriage of justice when the allegations itself are nondescript and devoid of any substance.

14. In the case of “*Sajal Bose vs. State of West Bengal and Others*” (supra) observations have been made about the CCTV footage in the following manner:

27.*The absence of even the slightest visible act of assault attributable to the appellants in the CCTV footage assumes particular significance in view of their contention that the allegations in the FIR were manifestly attended with malafide and that their names were vindictively introduced in the FIR by the complainant with an ulterior motive arising out of prior personal disputes and animosity. The CCTV footage admitted by the parties and forming a part of the report under Section 173(2) of CrPC, therefore, materially undermines the prosecution's case and renders the allegations against the appellants highly doubtful and*

unworthy of credence even at the stage of quashing petition.

15. In the same judgment the parameters to be taken into consideration for quashing of the criminal proceedings have been dealt with in the following manner:

32. *Recently, this Court in Pradeep Kumar Kesarwani v. State of Uttar Pradesh, revisited and further elucidated the parameters governing the exercise of inherent jurisdiction under Section 482 of CrPC. While drawing guidance from earlier precedents, this Court delineated a structured four-step test to assess the sustainability of a prayer for quashing criminal proceedings. The said decision underscores that where the material relied upon by the accused is of sterling and impeccable quality; is sufficient to negate the allegations in the complaint; remains unrefuted or incapable of justifiable refutation by the prosecution; and where continuation of the proceedings would amount to an abuse of the process of Court and not serve the ends of justice, the High Court would be justified in exercising its inherent powers to quash the proceedings. For ready reference, the relevant observations from the said judgment are reproduced hereinbelow: —*

“20. The following steps should ordinarily determine the veracity of a prayer for quashing, raised by an accused by invoking the power vested in the High Court under Section 482 of the Cr. P.C.: —

(i) Step one, whether the material relied upon by the accused is sound, reasonable, and indubitable, i.e., the materials is of sterling and impeccable quality?

(ii) Step two, whether the material relied upon by the accused, would rule out the assertions contained in the charges levelled against the accused, i.e., the material is sufficient to reject and overrule the factual assertions contained in the complaint, i.e., the material is such, as would persuade a reasonable person to dismiss and condemn the factual basis of the accusations as false.

(iii) Step three, whether the material relied upon by the accused, has not been refuted by the prosecution/complainant; and/or the material is such, that it cannot be justifiably refuted by the prosecution/complainant?

(iv) Step four, whether proceeding with the trial would result in an abuse of process of the court, and would not serve the ends of justice?

If the answer to all the steps is in the affirmative, judicial conscience of the High Court should persuade it to quash such criminal proceedings, in exercise of power vested in it under Section 482 of the Cr. P.C. Such exercise of power, besides doing justice to the accused,

would save precious court time, which would otherwise be wasted in holding such a trial (as well as, proceedings arising therefrom) specially when, it is clear that the same would not conclude in the conviction of the accused.

[(See: Rajiv Thapar v. Madan Lal Kapoor (Criminal Appeal No. 174 of 2013)]”

[Emphasis supplied]

33. *Applying the aforesaid ratio to the case at hand, we find that the material relied upon by the appellants in the present case, particularly the CCTV footage forming part of the chargesheet, is of unimpeachable provenance and reliability, having been collected during investigation and forming part of prosecution's own record. The footage, which was heavily relied upon by both the sides during the course of arguments, upon careful scrutiny, does not depict the appellants participating in any act of assault or overt aggression, thereby substantially dislodging the factual foundation of the allegations against them. The said material stands unrefuted in any meaningful manner and is of such character that it cannot be lightly brushed aside even at the stage when the Court is considering a prayer for quashing the proceedings of the criminal case at its inception.*

16. In the case of “Imran Pratapgadhi vs. State of Gujarat” (*supra*), it has been held as under:

47. *We fail to understand how the High Court concluded that the message was posted in a manner that would certainly disturb social harmony. Thereafter, the High Court gave a reason that the investigation was at a nascent stage. There is no absolute rule that when the investigation is at a nascent stage, the High Court cannot exercise its jurisdiction to quash an offence by exercising its jurisdiction under Article 226 of the Constitution of India or under Section 482CrPC equivalent to Section 528 BNSS. When the High Court, in the given case, finds that no offence was made out on the face of it, to prevent abuse of the process of law, it can always interfere even though the investigation is at the nascent stage. It all depends on the facts and circumstances of each case as well as the nature of the offence. There is no such blanket rule putting an embargo on the powers of the High Court to quash FIR only on the ground that the investigation was at a nascent stage. If such embargo is taken as an absolute rule, it will substantially curtail the powers of the High Court which have been laid down and recognised by this Court in State of Haryana v. Bhajan Lal [State of Haryana v. Bhajan Lal, 1992 Supp (1) SCC 335 : 1992 SCC (Cri) 426] .*

17. The petitioners have been made accused despite absence of any iota of evidence against them. There is nothing on record to suggest that it was at the instance of the petitioners such untoward incident had taken place. In fact, from the case diary as well as the CCTV and drone footage it appears that it was the agitators who had become aggressive and resorted to vandalism. The petitioners cannot be prosecuted simply on account of they being the officials of BSL and absence of any material would categorise the allegations against the petitioners as a vexatious.

The factual matrix of the present case would indubitably put the same within the parameters laid down in the judgments under reference and continuation of the criminal proceedings against the petitioners would be an abuse of the process of Court and would lead to miscarriage of justice.

18. Thus, in view of the discussions made hereinabove, the entire criminal proceeding in connection with B.S. City P.S. Case No. 64 of 2025 is hereby quashed and set aside so far as the writ petitioners are concerned.

19. Pending I.As., if any, stands closed.

(Rongon Mukhopadhyay, J.)