

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2568 of 2025

Arising Out of PS. Case No.-112 Year-2025 Thana- KOPA District- Saran

Tarkeshwar Mishra S/O Late Dhurandhar Mishra R/O Village- Kapa Dakshin
Tola, P.S.- Kopa, District- Saran

... .. Appellant/s

Versus

1. The State of Bihar
2. Ajit Kumar Sah S/O Not Known S.H.O., Kopa P.S.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Anirudh Kumar, Adv.
For the Respondent/s	:	Mr.Usha Kumari 1, SPP
For the Resp. No.2	:	Mrs. Moni Kumari, Adv.

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 21-08-2025 Heard learned counsel for the appellant and learned Special Public Prosecutor for the State as also learned counsel for the respondent no.2. The Informant in this case is the police officer. Perused the case diary.

2. The instant appeal has been filed by the appellant against the order dated 16.05.2025 passed by learned Exclusive Special Judge, Chhapra, Saran whereby the prayer for bail of the appellant in connection with Kopa P.S. Case No. 112 of 2025 under Sections 126(2)/115(2)/352/351(2) & (3)/223/132/3(5) of the Bhartiya Nyaya Sanhita, 2023 and Sections 3(1)(r)(s), 3(2) (va) of SC/ST (PoA) Act was rejected.

3. As per prosecution case, the appellant is the accused



of using abusive language, using abuses in the name of caste with the informant and other police personnel during raid, obstructing government work, assaulting as also threatening.

4. Learned counsel for the appellant submits that the appellant is innocent and has falsely been implicated in the present case. He further submits that from perusal of the F.I.R., it appears that the Informant were four in number and the appellant was alone and, therefore, there is no question of holding the color and dashing the informant on the ground. He further submits that none of the witnesses in the case diary has stated anything adverse against the appellant. He further submits that the alleged occurrence has taken place in the house of the appellant which is not a public place and, therefore, no offence under the provisions of SC/ST Act is made out against the appellant. Charge-sheet has been submitted in this case. The appellant has no intention to disgrace the image of the informant in public view. The appellant is in custody since 07.05.2025 and has four criminal antecedents.

5. Learned Special P.P. for the State and the informant have vehemently opposed the prayer for grant of bail to the appellant, stating that the offence alleged is serious in nature.

6. Having heard learned counsel for the parties and



considering the entire facts and circumstances of the case as also the period of custody undergone by the appellant, this Court is inclined to allow this appeal. Accordingly, the appeal is allowed and order dated 16.05.2025 passed by learned Exclusive Special Judge, Chhapra, Saran is hereby set aside.

7. Let the appellant, abovenamed, be released on bail on furnishing bail bonds of Rs.15,000/- (Rupees Fifteen Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Kopa P.S. Case No. 112 of 2025.

(Rudra Prakash Mishra, J)

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