

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3248 of 2025

Arising Out of PS. Case No.-15 Year-2025 Thana- Dhobaha District- Bhojpur

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Tuna Yadav Son of Deo nath yadav R/o Village - Salempur, P.S. - Dhobahan,
Dist. - Bhojpur.

... .. Appellant/s

Versus

1. The State of Bihar
2. Suraj Kumar Son of Bharat Ram R/o Village - Salempur, P.S. - Dhobaha,
Dist. - Bhojpur.

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Manoj Kumar, Advocate Mr. Rajiv, Advocate Mr. Ranjan Kumar, Advocate
For the Respondent/s	:	Mr. Binay Krishna, SPP
For the Informant	:	Mr. Vishwanand Upadhyay, Advocate Mr. Santosh Kumar, Advocate

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

ORAL ORDER

3 15-01-2026 Heard learned counsel for the appellant, learned Special

Public Prosecutor for the State and learned counsel for the

informant. Perused the case diary.

2. The instant appeal has been filed by the appellant
against the order dated 16.06.2025 passed by learned 1st
Additional Sessions Judge-cum-Special Judge, SC/ST Act,
Bhojpur at Ara whereby the prayer for bail of the appellant in
connection with Dhobahan PS Case No. 15 of 2025 instituted
under Sections 191(2), 191(3), 190, 126(2), 115(2), 74, 109(1),
303(2), 352, 351(2)(3) of the Bharatiya Nyaya Sanhita, 2023,



Section 27 of the Arms Act and Sections 3(1)(r)(s) & 3(ii)(va) of SC/ST Act was rejected.

3. Prosecution case, in short, is that on 04.02.2025 at about 2:30 P.M., appellant along with Bhim Yadav allegedly misbehaved with Tanu Kumari by using obscene language and pulling her arms when she protested while going to the field, and thereafter and when the informant and his family members went to enquire about the incident, appellant along with other accused persons abused them, which led to a violent assault by the co-accused armed with lathi, danda and iron rod, causing injuries to several persons, followed by firing by co-accused and snatching of a gold locket during the occurrence.

4. Learned counsel for the appellant submits that the appellant is innocent and has falsely been implicated in the present case. Charge-sheet has been submitted in this case. From perusal of the FIR, it would manifest that there is no specific allegation against the appellant and the same is attributed to other co-accused person. Learned counsel for the appellant further submits that the appellant has not taken the caste name of the informant in public view. Hence, no offence under the provisions of SC/ST Act is made out against him. The appellant has no intention to disgrace the image of the informant



in public view. The appellant is in custody since 19.05.2025 and has two criminal antecedents.

5. Learned Special P.P. for the State and the informant have vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case, there being no specific allegation against the appellant and the period of custody undergone by the petitioner, this Court is inclined to allow this appeal. Accordingly, the appeal is allowed and order dated 16.06.2025 passed by learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST Act, Bhojpur at Ara is hereby set aside.

7. Let the appellant be released on bail on furnishing bail bonds of Rs.15,000/- (Fifteen thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Dhobahan PS Case No. 15 of 2025.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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