

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.3430 of 2023**

Arising Out of PS. Case No.-55 Year-2023 Thana- GOVINDPUR District- Nawada

Surendra Pandey Son of Mahendra Pandey, Resident of Village- Bargawa, Ps- Govindpur, Distt- Nawada

... .. Appellant/s

Versus

1. The State of Bihar
2. Sheo Nandan Paswan Son of Late Baldeo Paswan, Resident of Village- Bargawa, Ps- Govindpur, Distt- Nawada.

... .. Respondent/s

**Appearance :**

|                      |   |                               |
|----------------------|---|-------------------------------|
| For the Appellant/s  | : | Mr. Bipin Kumar, Advocate     |
| For the Respondent/s | : | Mr. Sadanand Paswan, Spl.P.P. |
| For the Informant    | : | Mr. Amarnath Kumar, Advocate  |

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN**  
**ORAL ORDER**

3      01-11-2023                      Heard learned counsel for the appellant and learned Special Public Prosecutor for the State as well as learned counsel for respondent no.2.

2. This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer of anticipatory bail vide order dated 26.06.2023 passed by learned Exclusive Special Judge (SC/ST Act), Nawada in connection with Govindpur P.S. Case No. 55 of 2023, registered under Sections 363, 366/34 of the Indian Penal Code and Section 3(i) (r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.



3. The prosecution case, in brief, is that on 21.03.2023 informant Sheo Nandan Paswan lodged a written report in Govindpur Police station on 06.02.2023 stating therein that his daughter aged about 18 years was going from her house to her maternal grandmother, Farha. When the informant called on her daughter's mobile, it was switched off. When the informant called on the mobile of his in-laws, informant was told that her daughter not reached as yet. The informant alongwith entire family search and traced at the relative place as well, but could not found anywhere. Surendra Pandey has coaxed the informant's daughter with the intention of marrying her. The informant and her family reached Surendra Pandey house and asked about her daughter, then Guddu Pandey, Upendra Pandey, Guddu Pandey's wife and Upendra Pandey's wife altogether abused the informant by taking caste name.

4. It is submitted by learned counsel for the appellant that no such occurrence as alleged ever took place. It is submitted by learned counsel for the appellant that the appellant has no concern with the aforesaid occurrence and he has been falsely implicated in the case. He further submits that there is inordinate delay of fifteen days in lodging the case without assigning any plausible explanation for the said delay which



creates serious doubt about the prosecution case. The allegation of slating the informant levelled against the appellant is not specific rather general and omnibus in nature. Appellant has no criminal antecedent as mentioned in para-3 of the memo of appeal.

5. Learned Spl. PP for the State as well as learned counsel for respondent no.2 opposed the prayer for bail of the appellant and submits that the statement of the victim girl was recorded under Section 164 of Cr.P.C., in which she has supported the case of the prosecution.

6. In the facts and circumstances of the case, I am not inclined to enlarge the appellant on bail. The prayer for bail is hereby rejected.

7. However, the appellant is directed to surrender before the learned Court below within six weeks from today and seek regular bail and the learned Court below would pass order on the same day in accordance with law.

8. Accordingly, this appeal is dismissed.

**(Anjani Kumar Sharan, J)**

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