

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5727 of 2024

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

Surendra Pandey S/O Sri Mahendra Pandey R/O Village- Bahargawn, P.S- Govindpur, Distt.- Nawadah.

... .. Appellant/s

Versus

1. The State of Bihar through Superintendent of Police, Nawadah. Bihar
2. Sheo Nandan Paswan S/O Late Baldeo Paswan R/O Village- Bahargawan, P.S- Govindpur, Dist.- Nawadah.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Sajal Kumar Sinha
For the Respondent/s	:	Mr. Sadanand Paswan
		Mr. Amarnath Kumar
		Mr. Ravikanth

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 07-04-2025 Heard learned counsel for the appellant, learned counsel for the informant and learned Special Public Prosecutor for the State.

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 bail vide order dated 29.11.2024 passed by learned Exclusive Special Court SC/ST, Nawadah, in connection with Gobindpur P.S. Case No.55 of 2023, registered under Sections 363, 366, 34 of the Indian Penal Code and Section 3(1) (r) (s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.



3. The prosecution case is that there is an allegation against the petitioner to coax the daughter of informant with an intention of marrying her. The informant and her family went to the house of the petitioner then the petitioner's side abused the informant by taking his 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. He has been falsely implicated in the case. The allegation of assault levelled against the appellants is not specific rather general and omnibus in nature. Slating the informant/complainant in the name of caste is said to have been made at the house of the appellant and not in public view, hence no offence under SC/ST Act is made out against the appellant. 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. There is no allegation against the appellant to abuse by taking caste name. It is further submitted that charge has been framed against the appellant. Appellant has no criminal antecedent as mentioned in para-3 of this memo of appeal and has been in judicial custody since 20.11.2024.



5. Learned Spl. PP for the State as well as learned counsel for the informant opposed the prayer for bail.

6. In the facts and circumstances of the case, the above named appellant be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Court SC/ST, Nawadah, in connection with Gobindpur P.S. Case No.55 of 2023, subject to the following conditions:-

(i) One of the bailors will be own close relative of the appellant who will give on affidavit genealogy as to how he is relative to appellant. The bailor will also undertake to inform the court if there is any change in the address of the appellant.

(ii) The bailor shall also state on affidavit that he will inform the court concerned if the appellant is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

(iii) The appellant shall remain physically present in the court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reasons, his bail bonds shall be liable to be cancelled by the learned court



concerned.

(iv) The appellant shall co-operate with the investigation, if not already concluded and make himself available and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(v) The appellant shall appear before the Police Station of his local area in the first week of each month till the disposal of the present case.

7. Accordingly, the impugned order is set aside and this appeal is allowed.

(Anjani Kumar Sharan, J)

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