

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2171 of 2024**

Arising Out of PS. Case No.-329 Year-2023 Thana- BARAUNI District- Begusarai

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LALO SINGH @ LALU RAY @ LALU SON OF SURESH SINGH @
SURESH RAY RESIDENT OF VILLAGE - PAPROUR, P.S. - BARAUNI,
DISTRICT - BEGUSARAI

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. PANKAJ PASWAN SON OF RAMUDAY PASWAN RESIDENT OF
SINGHDAHA BATHAULI, P.S. - BARAUNI, DISTRICT - BEGUSARAI,
TEMPORARY ADDRESS - LAKHAMBAR TOLA, PAPROUR, WARD
NO.-01, P.S. - BARAUNI (ZERO MILE), DISTRICT - BEGUSARAI

... .. Respondent/s

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Appearance :

For the Appellant	:	Mr. Shubhesh Pandey, Advocate
For the State	:	Mr. Sadanand Paswan, Spl.PP
For the Informant	:	N o n e

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 04-09-2025 Heard learned counsel appearing for the appellant and
learned Spl.P.P. appearing on behalf of the State.

2. Despite filing *Vakalatnama*, no one appears on
behalf of the informant/Respondent No. 2.

3. This appeal has been filed for setting aside order
dated 21.03.2024 passed in a case registered for the offence
punishable under Sections Sections 341, 323, 379, 504, 506
and 34 of the Indian Penal Code and Sections 3(1)(g)(r)(s) and
3(2)(va) of the Scheduled Castes and Scheduled Tribes
(Prevention of Atrocities) Act, whereby the prayer for
anticipatory bail of the appellant has been rejected.



4. The prosecution case, in brief, is that all the F.I.R. named accused persons, including this appellant, own a pond and on 02.01.2022, they negotiated with informant to give their pond to him on rent for one year for Rs. 25,000/- and accordingly, informant paid Rs. 20,000/- as advance. Thereafter, informant put fish seeds worth Rs. 70,000/- in the pond and kept nurturing the fish for 10 months. It is alleged that on 05.11.2022 at about 8 AM, when informant went to the pond, he saw that the accused persons were stealing the fish with the help of fishermen due to which informant suffered a loss of Rs. 5 lacs. It is further alleged that the accused persons sold the fish in the market and when informant objected, he was subjected to assault and caste based abuse.

5. It is submitted by learned counsel appearing on behalf of the appellant that appellant is quite innocent and has committed no offence. As a matter of fact, entire prosecution story is false and concocted. Present F.I.R. has been lodged on 01.07.2023 for the occurrences, allegedly, committed on 05.11.2022 and 29.05.2023 for which there is no plausible explanation which itself makes the entire prosecution case doubtful. Prior to the institution of the present case, informant had lodged Complaint Case No. 2096 of 2022 before the Chief



Judicial Magistrate, Begusarai for the occurrence of same date and learned court below has found the case to be true under Section 323 of the Indian Penal Code. Moreover, similarly situated co-accused, namely, Pago Singh has already been granted anticipatory bail by this Hon'ble Court *vide* order dated 24.07.2025 passed in Cr. Appeal (SJ) No. 190 of 2024. It is not the case of the prosecution that any member of public was present at the place of occurrence and as such, no case under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act is made out against the appellant.

6. On the other hand, learned Spl.P.P. appearing on behalf of the State has vehemently opposed this appeal.

7. Considering the facts and circumstances of the case, general and omnibus nature of accusation and claim based on parity, this appeal is allowed and the impugned order dated 21.03.2024 passed by the learned Exclusive Special Judge, SC/ST (POA) Act, Begusarai in connection with A.B.P. No. 536 of 2024 arising out of Barauni (Zero Mile) P.S. Case No. 329 of 2023 is hereby set aside with respect to this appellant only.

8. Accordingly, let the appellant, named above, in the event of arrest/surrender within a period of eight weeks from the date of receipt/production of a copy of this order, be enlarged on



bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, SC/ST (POA) Act, Begusarai in connection with Barauni (Zero Mile) P.S. Case No. 329 of 2023.

(Prabhat Kumar Singh, J)

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