

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.190 of 2024

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

Pago Singh @ Fulena Ray S/O Late Banarsi Ray Resedent of vill - Papraur,
P.S- Barauni (Zero mile) , District - Begusarai.

... .. Appellant/s

Versus

1. The State of Bihar
2. Pankaj Paswan S/O Late Ram Uday Apswan R/O Village- Singdaha,
Bathauli, P.S- Barauni, Distt.- Begusarai, Temporary Address- Lakhambar
Tola, Papraur- Ward No. 01, P.S- Barauni (ZERO Mile), Distt.- Begusarai.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Shubhesh Pandey, Advocate
For the Respondent/s	:	Mr. Sadanand Paswan, Spl. Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 24-07-2025 None appears on behalf of the respondent No. 2.

2. Heard learned counsel for the appellant and the
State.

3. This criminal appeal has been filed against the
order dated 12.12.2023 passed by learned Special Judge SC/ST
(POA), Begusarai in ABP No. 2605 of 2023 in connection with
Barauni (Zero Mile) P.S. Case No. 329 of 2023, instituted under
Sections 341, 323, 379, 504, 506/34 of the Indian Penal Code
and Sections 3(1)(g)(r)(s), 3(2)(va) of the Scheduled Castes and
Scheduled Tribes (Prevention of Atrocities) Act, whereby the
prayer for anticipatory bail of appellant has been rejected.

4. Prosecution case, in brief, is that the 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 seed 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. Learned counsel for the appellant submits that the appellant is 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. Prior to the institution of 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. He



further submits that from perusal of the F.I.R. it is apparent that the alleged incident did not occur within the public view, as such, no offence under SC/ST Act is made out against appellant. Moreover, similarly situated co-accused, namely, Pawan Singh has already been granted anticipatory bail by co-ordinate Bench of this Hon'ble Court *vide* order dated 22.04.2025 passed in Cr. Appeal (SJ) No. 5016 of 2023.

6. Learned Spl. Public Prosecutor for the State opposed the bail application.

7. Considering the aforesaid facts, let the appellant, as named above, in the event of his arrest/surrender within a period of eight weeks from today, be enlarged on bail on furnishing bail-bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge SC/ST (POA), Begusarai in ABP No. 2605 of 2023 in connection with Barauni (Zero Mile) P.S. Case No. 329 of 2023.

8. Accordingly, this criminal appeal is allowed and impugned order dated 12.12.2023 is set aside with respect to this appellant only.

(Prabhat Kumar Singh, J)

Navya/-

U		T	
---	--	---	--

