

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.3434 of 2019**

Arising Out of PS. Case No.-24 Year-2019 Thana- SC/ST District- Muzaffarpur

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1. MALA DEVI Wife of Rambali Sah Resident of Village - Neuri, P.S.- Ahiyapur, District - Muzaffarpur
  2. Rambali Sah Son of Late Panchu Sah Resident of Village - Neuri, P.S.- Ahiyapur, District - Muzaffarpur

... .. Appellant/s

Versus

THE STATE OF BIHAR Bihar

... .. Respondent/s

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**Appearance :**

For the Appellant/s : Mr. Nachiketa Jha, Advocate  
For the Respondent/s : Mr. Binay Krishna

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**CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR**  
**ORAL ORDER**

6      11-12-2019                      Heard the learned counsel for the appellants, informant and the State.

The appellants have challenged the order dated 22.07.2019 passed by the learned Special SC/ST Court, Muzaffarpur in A.B.P. No. 2250 of 2019 arising out of SC/ST P.S. Case No. 24 of 2019, whereby the prayer made on behalf of the appellants for grant of pre-arrest bail for the offences under Sections 341, 323, 420, 406, 504, 506 and 34 of the Indian Penal Code and Sections 3(1)(r)(s) of the SC/ST Act has been rejected.

On the earlier occasion, this Court *vide* order dated 27.11.2019 had recorded the nature of accusation and that there was a dispute with regard to payment of wages which has led to the filing of the present case. It



was also recorded on the last occasion that an attempt was made by the appellants to make payment of Rs. 50,000/- to the informant through cheque but the same was not acceptable to him.

Hence the occasion for lodging the aforesaid case.

The cases in which the appellants have been made accused earlier, they are on bail. The information provided by the counsel for the informant that one of the witnesses of the case lodged by the informant has been murdered at the instance of the appellants and others is not correct.

Mr. Shanti Bhushan Singh, learned advocate for the informant after inquiring about this fact has fairly informed this Court that it is not a fact that one of the witnesses of the case lodged by the informant has been murdered at the instance of the appellants. He only submits that the accused persons in that case is an associate of the informant.

In any view of the matter, considering the nature of accusation against the appellants it appears to be rather clear that the dispute lies elsewhere and the offences under the SC/ST Act has been added in order to give a serious colour to the case.

Considering the entire facts in a holistic



manner, this Court has been persuaded and is inclined to set aside the order dated 22.07.2019.

The order dated 22.07.2019 is set aside.

On the appellants surrendering before the court below within a period of three weeks, they shall be released on bail on their furnishing bail bonds in the sum of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the Special SC/ST Judge, Muzaffarpur in A.B.P. No. 2250 of 2019 arising out of SC/ST P.S. Case No. 24 of 2019.

**(Ashutosh Kumar, J)**

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