

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1890 of 2023

Arising Out of PS. Case No.-212 Year-2022 Thana- SARAN COMPLAINT CASE District-
Saran

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Mana Kuwar W/O Late Jhalku Sah Resident Of Village- Tajpur, Post
Falwariya Tajpur, P.S.- Manjhi, District- Saran.

... .. Appellant/s

Versus

1. The State of Bihar
2. Ravi Singh S/O Bhushan Singh Resident Of Village- Tajpur, Post Falwariya
Tajpur, P.S.- Manjhi, District- Saran.
3. Bhushan Singh S/O Ram Deyal Singh Resident Of Village- Tajpur, Post
Falwariya Tajpur, P.S.- Manjhi, District- Saran.
4. Ram Deyal Singh S/O Chandeshwar Singh Resident Of Village- Tajpur, Post
Falwariya Tajpur, P.S.- Manjhi, District- Saran.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Ravindra Kumar Singh, Advocate
For the Respondent/s : Mr. Binay Krishna, APP

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**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

12 21-06-2024 This appeal has been preferred against the order dated

21.01.2023 in Complaint Case No. 212 of 2022 passed by

Exclusive Special SC/ST (POA) Act, Saran at Chapra for the

offences punishable under Sections 147, 148, 149, 355, 54, 506

and 34 of the IPC and under Sections 3(1)(r)(s) of SC & ST

(POA) Act whereby the learned court below did not find the

case of the complainant as *prima facie* true.

2. The complainant/appellant who claims to be a lady,

belonging to the Scheduled Caste, lodged complaint, stating

therein that she was working in the house of the respondent no.



4, Ram Dayal Singh on wages. When she sent her two sons to the house of the respondents to demand the dues of her wages, Ram Dayal Singh (respondent no. 4) asked her sons to come to the bank where he would pay the dues of wages. When they went to the bank, the accused persons assaulted them and also abused them by calling their caste name. An allegation of firing has also been made in the complaint petition. In her statement recorded during inquiry, the complainant stated that she was working in the house of Ram Dayal Singh on the fixed salary of Rs. 3,000/- per month which is contradictory to the recitals of the complaint in which she has disclosed her monthly wages as Rs. 500/-. Her first son Baliram Sah was examined by the court as EW-1 after supporting the case of the complainant, he deposed in paragraph no. 5 of his statement that his mother was working at the fixed wages of Rs. 500/- and due of wages was outstanding for amount to Rs. 6,000 for one year but her second son Krishna Sah, EW-2 stated that the dues was Rs.3,000/-.

3. Considering these contradictions, the learned court below refrained from issuing summon as the complainant failed to make a *prima facie* case for issuance of summons.

4. In my view, the learned court below did not commit any error while refraining from issuance of summons.



5. On the basis of above-mentioned observations, this
appeal is dismissed.

(Nawneet Kumar Pandey, J)

Kundan/Ravi

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