

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30078 of 2016

Arising Out of PS.Case No. -219 Year- 2015 Thana -UDWANTNAGAR District- BHOJPUR

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1. Rakesh Kumar Choudhary @ Bhindi Choudhary @ Rakesh Choudhary
@ Bhaudi Choudhary Son of Ravindra Choudhary, Resident of Village:-
Anaith, P.S:- Ara Nawada, District- Bhojpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shiv Prasad Gupta

For the Opposite Party/s : Mr. Sri Ram Shankar Das

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA
ORAL ORDER

3 08-08-2016 Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State.

Petitioner seeks bail in a case registered under
Sections-302, 307 & other minor sections of the Indian Penal
Code and under Section-3 (2) (V) of the SC/ST Act.

Section-14(a)(ii) of SC/ST (Prevention of Atrocities)
Amendment Act says that notwithstanding anything contained in
Sub section (3) of Section-378 of Code of Criminal Procedure,
1973 (2 of 1974), an appeal shall lie to the High Court against an
order of the Special Court or the exclusive Special Court granting
or refusing bail and, therefore, in my view, the petition filed u/S
439 and 440 of the Cr.P.C. against the order of Special Court is
not maintainable and the petitioner may seek remedy, as provided

under Section-14a of SC/ST (Prevention of Atrocities) Act.

Learned counsel, appearing for the petitioner seeks permission to convert this petition into Cr. Appeal.

Permission is accorded.

The petitioner is permitted to convert this petition into Cr. Appeal within one week.

However, the matter of limitation as well as admission shall be considered by the concerned bench.

(Hemant Kumar Srivastava, J)

A.K.V./-

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