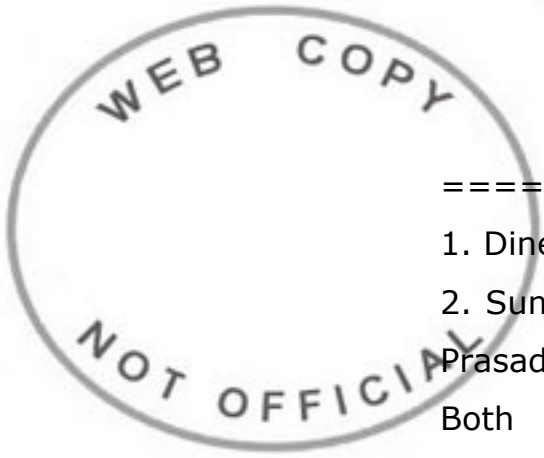




IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.24733 of 2016

Arising Out of P.S. Case No. -69 Year- 2016 Thana -
PATRAKARNAGAR District- PATNA

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- 1. Dinesh Kumar, Son of Late Damodar Lal Das.
- 2. Suman Kumar @ Pramod Kumar Suman, Son of Banaras Prasad.
Both are R/o Mohalla-SBI Colony, P.S.-Patrakarnagar, District-Patna.
- 3. Priya Ranjan Patel @ Priya Ranjan Kumar, Son of Nand Kishore Prasad, R/o Kali Mandir Road, Near Navneet Colony, P.S.-Patrakarnagar, District-Patna.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

- For the Petitioner/s :Mr. Rama Kant Sharma, Sr. Adv.
- For the State :Mr. Ram Shankar Das (Spl.PP)
- For the Informant :Mr. Shambhu Sharan Singh, Adv.

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

3 20-06-2016 Heard.

It has been pointed out by learned counsel,

appearing on behalf of the informant, that in the light of recent *Amendment*, made in Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, 2015, a new Section 14-A has been added to the following effect:-

"9. Insertion of new Section 14-A.—After Section 14 of the principal Act, the following section shall be *inserted*, namely—

"14-A. *Appeals.*—(1)

Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974), an appeal shall lie, from any judgment, sentence or order, not being an interlocutory order, of a Special Court or an Exclusive Special Court, to the High Court both on facts and on law.

(2) Notwithstanding anything contained in sub-section (3) of Section 378 of the 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.

(3) Notwithstanding anything contained in any other law for the time being in force, every appeal under this Section shall be

preferred within a period of ninety days from the date of the judgment, sentence or order appealed from:

Provided that the High Court may entertain an appeal after the expiry of the said period of ninety days if it is satisfied that the appellant had sufficient cause for not preferring the appeal within the period of ninety days:

Provided further that no appeal shall be entertained after the expiry of the period of one hundred and eighty days.

(4) Every appeal preferred under sub-section (1) shall, as far as possible, be disposed of within a period of three months from the date of admission of the appeal."

The petitioners had earlier filed an application for anticipatory bail before the Special Court, which came to be rejected. Thereafter, the present application for grant of anticipatory bail has been filed.

In such situation, this application is dismissed as not maintainable.

The petitioners, abovenamed, shall be at liberty

to prefer an appeal, as prescribed under the *amended* provision, as aforesaid.

(Chakradhari Sharan Singh, J.)

Praveen-II/-

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