

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42681 of 2016

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Md. Ashiq @ Raj @ Raju, Son of Late Karim @ Karu, Resident of
Village- Tanakmas, P.S. Sanhoulla, District- Bhagalpur.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Indeshwari Prasad Mandal, Advocate
For the Opposite Party : Mr. Sadanand Paswan, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 25-11-2016 Heard the learned counsel for the petitioner and the

learned APP for the State.

Petitioner is languishing in custody in connection with
Sanholla P.S.Case No.34 of 2016 for offence alleged under
Sections 366, 504 and 34 of the IPC and Sections 3(i)(x)SC/ST
Act which is pending.

It has been submitted by the learned counsel for the
petitioner that the impugned order dated 05.09.2016 rejecting the
bail of the petitioner has been passed by the 2nd Additional District
& Sessions Judge, Bhagalpur as per Section 14 of the Scheduled
Castes and Scheduled Tribes (Prevention of Atrocities)Act, 1989,
(referred to as ‘Act’) it is the special Court which can try offences
under this Act. He further submits that Section 14(A) inserted by
amendment speaks of an appeal from any judgment, sentence or

order not being an order of Special Court wherein appeal shall lie to the High Court. He submits that the impugned order has been passed by the 2nd Additional District & Sessions Judge, Bhagalpur and not by the Special Court.

Under such circumstances, the petitioner, if so advised, may move before the Special Court of jurisdiction to try cases under the aforesaid Act.

With these observations, this application stands disposed of.

(Nilu Agrawal, J)

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