

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29836 of 2016

Arising Out of PS.Case No. -357 Year- 2011 Thana -SC SC PS District- VAISHALI(HAJIPUR)

- =====
1. Vijay Singh
 2. Ajay Singh both son of Shiv Shankar Singh @ Shankar Singh, Resident of Village- Baziraut, P.S. Sakra, District- Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rana Vikram Singh

For the Opposite Party/s : Mr. Sri Ambika Bhagat

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA
ORAL ORDER

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

Petitioners seek 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 petitioners may seek remedy, as provided

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

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

Permission is accorded.

Petitioners are 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)

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