

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.708 of 2017

Arising Out of PS.Case No. -439 Year- 2016 Thana -BHAGALPUR KOTWALI District-
BHAGALPUR

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1. Chabil Thakur, son of Late Nandkeshwar Thakur
2. Lexmi Devi, wife of Chabil Thakur
3. Ranjeet Thakur, son of Late Anand Thakur null
4. Aarmoo Thakur @ Amit Thakur, son of Late Anandi Thakur Resident of
Mohalla Mayaganj, Kelighat, Mushahari Tola, Police Station- Barari,
District- Bhagalpur.

.... Appellant/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Vikram Singh-Advocate
For the State : Mr. Sadanand Paswan-S.P.P.
For the Informant : Mr. Ranjan Kumar Jha-Advocate
Mr. Mirtunjay Kumar Mishra-Advocate

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

03 18-04-2017 Heard learned counsel for the appellants as well as
learned Special Public Prosecutor along with learned counsel for
the informant.

Learned counsel for the appellants has submitted that
though during course of passing of the order impugned dated
31.01.2017 relating to Kotwali (Barari) P. S. Case No.439 of
2016, the case was not registered under S.C./S.T. (Prevention of
Atrocities) Act, but he has been communicated by his client that
subsequently, the application of S.C./S.T. (Prevention of
Atrocities) Act has also been added and that being so, Paragraph-1



of the petition incorporates the same.

Consequent thereupon, as per direction given by the Division Bench vide order dated 17.02.2017 passed in ***Cr. Appeal (S.J.) No.832 of 2016***, instant appeal would not be maintainable in the background of the fact that order impugned happens to be passed by the 2nd Additional Sessions Judge, Bhagalpur, who has not been identified to be Special Court under S.C./S.T. (Prevention of Atrocities) Act in terms of Section 14 of the Act.

That being so, giving liberty to the appellants to move afresh before the Competent Court, instant appeal is disposed of.

(Aditya Kumar Trivedi, J)

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