

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.757 of 2017

Arising Out of PS.Case No. -40 Year- 2016 Thana -SC/ST District- MADHEPURA

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1. Sangita Devi, wife of Nageshwar Mehta
 2. Nageshwar Mehta, Son of Late Baijnath Mehta Both resident of Village-
 Meheshua, P.S.- Madhepura (Bharrahi O.P.), District- Madhepura.

.... Appellant/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Praveen Kumar Agrawal -Advocate

For the Respondent/s : Mr. Binay Krishna-S.P.P.

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

02 20-04-2017 Learned counsel for the appellants seeks withdrawal
 of instant appeal against appellant no.2, Nageshwar Mehta, on
 account of his apprehension and the same is allowed.

Heard learned counsel for the appellant no.1 as well
 as learned Special Public Prosecutor.

Learned Special Public Prosecutor has referred
 extraordinary Gazette Notification dated 11.07.2015 and further,
 submitted that 'Jolha' happens to be under OBC (Annexure-1) and
 so, registration of this case under S.C./S.T. (Prevention of
 Atrocities) Act happens to be bad.

Accordingly, instant appeal would not lie in the
 aforesaid background even registration of instant case, apart from
 other Section of Penal Law, under S.C./S.T. (Prevention of



Atrocities) Act as victim does not belong to S.C./S.T. Community.

That being so, the learned lower Court would pass an order in accordance with law if approached by the appellant.

With the aforesaid observation, instant appeal is disposed of.

(Aditya Kumar Trivedi, J)

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