

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.1206 of 2016

Arising Out of PS.Case No. -74 Year- 2015 Thana -CHANPATIA District-
WESTCHAMPARAN(BETTIAH)

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Naw lakh Giri, Son of Late Mushi Giri, resident of Village- Parsa, Giri Tola,
P.S.- Sirisia, District- West Champaran (Bihar).

..... Appellant/s

Versus

The State of Bihar

..... Respondent/s

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Appearance :
For the Appellant/s : Mr. Raju Giri -Advocate
For the Respondent/s : Mr. Sri Sadanand Paswan-S.P.P.

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

04 09-03-2017 At an earlier occasion, an adjournment was granted

to enable the learned counsel for the appellant to know about

status of the Court by which A.B.P. No.390 of 2016 has been

rejected (order impugned).

Learned counsel for the appellant has submitted that

the Court by which aforesaid order has been passed is neither the

Special Court nor the Exclusive Special Court as notified under

S.C./S.T. (Prevention of Atrocities) Act. In **Cr. Appeal (S.J.)**

No.832 of 2016 vide order dated 17.02.2017, the Division Bench

has observed:-

“if any order refusing bail has been passed by

any other court below than the Special Court

and Exclusive Special Court, establish or



specified under the Act after 26.01.2016, in that case, the only legal recourse available to the accused is to move afresh, for grant of bail before the Special Court and Exclusive Special Court establish or specified under the Act.”

Consequent thereupon, instant memo of appeal is dismissed giving an opportunity to the appellant to move afresh before the Competent Court in terms of direction as enumerated hereinabove.

(Aditya Kumar Trivedi, J)

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