IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.1226 of 2016

Arising Out of PS.Case No. -280 Year- 2015 Thana -RAMNAGAR District-WESTCHAMPARAN(BETTIAH)

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1. Megha Sah
2. Kishan Sagar Sah
3. Sunar Sah
4. Sagar Sah
5. Lallan Sah, all sons of Madan Sah
6. Madan Sah, son of Puran Sah @ Ramdhani Sah, all are resident of village Fagunahta, Police Station-Ram Nagar, District-West Champaran.

.... Appellant/s

Versus

The State of Bihar

.... Respondent/s

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Appearance :
For the Appellant/s : Mr. Sanjay Kumar No.-7 -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

05 09-03-2017 At an earlier occasion, an adjournment was granted to enable the learned counsel for the appellants to know about status of the Court by which A.B.P. No.208(C)/2016 has been rejected (order impugned).

Learned counsel for the appellants 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

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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 appellants to move afresh before the Competent Court in terms of direction as enumerated hereinabove.

(Aditya Kumar Trivedi, J)

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