

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Criminal Appeal (SJ) No.950 of 2016**

Arising Out of PS.Case No. -368 Year- 2013 Thana -AURANGABAD TOWN District-  
AURANGABAD

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1. Buta Paswan Son of Tarachand Paswan R/o Village- Tikri More, P.S.-  
Aurangabad (T), District- Aurangabad .... Appellant

Versus

1. The State of Bihar .... Respondent

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**Appearance :**

For the Appellant : Mr. Tej Narayan Singh, Adv.

For the Respondent : Mr. Sadanand Paswan, SPP 246

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**CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR**  
**ORAL ORDER**

3      19-01-2017                      Heard the parties.

It appears that earlier prayer for bail of the petitioner was refused by this Court in Cr. Misc. No. 41590 of 2014 on 18.02.2015 in connection with present Aurangabad Town P.S. Case No. 368 of 2013.

Again, prayer was refused on 17.02.2016 by order passed in Cr. Misc. No. 53054 of 2015 with liberty to the petitioner to renew prayer for bail if the trial is not concluded within a period of six months.

In pursuance of that the petitioner has renewed the prayer.

Apparently, criminal miscellaneous is maintainable and not this criminal appeal because the last order, refusing the prayer for bail was passed by this Court and not by the Special Judge under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

In the circumstances, this appeal is **dismissed** as not maintainable.

**(Birendra Kumar, J)**

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