

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3246 of 2017

Arising Out of PS. Case No.-24 Year-2016 Thana- IMAMGANJ District- Gaya

Nasimuddin Khan son of Nooruddin Haidar Khan Resident of Village -
Malhari, Police Station - Imamganj, District - Gaya.

... .. Appellant

Versus

The State Of Bihar

... .. Respondent

Appearance :

For the Appellant/s : Mr.Surendra Kumar Mishra, Advocate
For the Respondent/s : Mr.Binay Krishna, APP

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL JUDGMENT
Date : 03-04-2019

This appeal under Section 14A(2) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short 'SC/ST Act') is directed against the order dated 01.07.2016 passed by the learned Exclusive Special Court (Special Judge) SC/ST, Gaya in Bail Petition No. 14 of 2016/1331 of 2016 arising out of Imamganj P. S. Case No. 24 of 2016 registered under Section 302 read with 34 of the Indian Penal Code, Section 27 of the Arms Act and Section 3(2)(v) of the SC/ST Act whereby the application of the appellant for grant of bail has been rejected.

2. The appellant had challenged the aforesaid order dated 01.07.2016 passed by learned Exclusive Special Court (Special Judge) SC/ST, Gaya before this Court vide Cr. Appeal



(SJ) No. 722 of 2016, which was dismissed vide judgment dated 27.10.2016.

3. In my considered opinion, once the order dated 01.07.2016 passed by the learned Special Court, Gaya has been affirmed by this Court and the appeal has been dismissed, another appeal challenging the same order passed by the learned Exclusive Special Court, would not be maintainable.

4. In case the appellant desires to move for bail, he should first move his application before the Exclusive Special Court. The jurisdiction of this Court under Section 14A(2) of the SC/ST Act would arise only after a fresh order granting or refusing bail is passed by the special court.

5. In view of the observations made above, this appeal is dismissed as not maintainable.

(Ashwani Kumar Singh, J)

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AFR/NAFR	NAFR
CAV DATE	NA
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