

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23328 of 2020

Arising Out of PS. Case No.-149 Year-2020 Thana- KHAJANCHI HAT District- Purnia

HEMANT KUMAR @ KUMAR HEMANT S/o Sanjay Singh, Resident of
Mohalla- Subash Nagar, P.S.- Sahayak, Khajanchi Hat, District- Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajit Ranjan Kumar, Advocate
For the Opposite Party/s : Mrs. Pushpa Sinha, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 09-10-2020 Heard learned counsel for the petitioner and the State.

Learned counsel for the petitioner submits that having regard to the Special provisions under the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, the petitioner may be permitted to withdraw the present application to file appropriate appeal in terms of the aforesaid scheme.

He further submits that under wrong notion of maintainability of the anticipatory bail application, the petitioner has approached this Court and, therefore, the Court should be considerate in condoning the delay, if any, in filing the appeal before the appropriate Court in accordance with law.

Considering the fact that the appeal is maintainable in case of refusal of grant of bail under the provision of Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, this



application is disposed of with liberty to the petitioner to approach the appropriate forum and petitioner shall be at liberty to pray for condoning the delay referring to the Limitation Act with regard to approaching the wrong forum for redressal of his grievance, which contains statutory provision for condonation of delay for pursuing remedy before wrong froum.

With the aforesaid observation, this application stands disposed of.

(Anil Kumar Upadhyay, J)

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