

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20136 of 2020

Arising Out of PS. Case No.-701 Year-2019 Thana- FATUA District- Patna

PAWAN KUMAR Son of Mahesh Yadav @ Mahesh Prasad, Resident of
Mohalla - Noita, P.S.- Fatuha, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Gajendra Kumar Jha, Adv.

For the Opposite Party/s : Ms.Usha Kumari 1, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

7 26-02-2021 Heard Mr. Gajendra Kumar Jha, learned counsel for
the petitioner and Ms. Usha Kumari No.1, Special P.P.

Admittedly the F.I.R. was registered under different sections of the I.P.C. and also under different sections of the SC/ST (POA) Act. The petitioner moved before the learned Special Judge for grant of anticipatory bail on the contention that no offence under any sections of the SC/ST (POA) Act is made out. Learned Special Judge rejected the prayer for anticipatory bail of the petitioner on the ground that the anticipatory bail is not maintainable. Against that order the petitioner moved this Court in Cr.Misc.No.20136 of 2020.

From perusal of the order dated 18.08.2020, it appears that this Court entertained the criminal miscellaneous filed under Section 438 of the Cr.P.C. despite the fact that any order



passed by the learned Special Judge, SC/ST Act is appealable under Section 14A(2) of the SC/ST (POA) Act but no finding is recorded about maintainability of the criminal miscellaneous. From perusal of the records, it appears that the petitioner made correction in the cause title and converted the criminal miscellaneous into criminal appeal but for the reasons best known to the office, the criminal miscellaneous was not converted into criminal appeal.

The office is directed to convert the criminal miscellaneous into criminal appeal within ten days.

List the criminal appeal after being converted on 08.03.2021 before appropriate bench.

(Prabhat Kumar Jha, J)

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