

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4758 of 2023

Arising Out of PS. Case No.-86 Year-2022 Thana- RAJPUR District- Buxar

RAJNISH SINGH SON OF BABAN SINGH RESIDENT OF VILLAGE-
UTTAMPUR, PS- RAJPUR, DISTT- BUXAR

... .. Appellant/s

Versus

1. The State of Bihar
2. PRINCE KUMAR PASWAN SON OF AVINASH PASWAN RESIDENT
OF VILLAGE- UTTAMPUR, PS- RAJPUR, DISTT- BUXAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Sada Nand Roy, Advocate
For the Respondent/s : Mrs.Usha Kumari 1, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 12-01-2024

Reg: I.A. No. 1 of 2023

The present interlocutory application has been filed for condoning the delay of one year and three days in filing the instant appeal.

2. The learned counsel for the appellant has submitted that on account of paucity of funds and some time having been spent on arranging the funds, delay has taken place in approaching this Court and filing the instant appeal, hence the same be condoned.

3. Having regard to the facts and circumstances of the case, this Court finds that



sufficient cause has been shown so as to condone the delay in filing the present appeal.

4. Accordingly, the Interlocutory Application is allowed and the delay which has occurred in filing the present appeal is condoned.

Reg:Cr. Appeal (SJ) No. 4758 of 2023

5. Heard the learned counsel for the appellant and the learned counsel for the State.

6. Though the present appeal has been filed under Section 14A(2) of the Scheduled Caste & Scheduled Tribe (Prevention of Atrocities) Act,1989 (hereinafter referred to as the 'SC/ST Act') against the impugned order dated 20.07.2022, passed by the learned Additional Sessions Judge-I-cum-Special Judge, SC/ST (PoA) Act, Buxar in connection with Rajpur P.S. Case No. 86 of 2022, registered under Sections 341, 447, 323, 307 and 349 of the Indian Penal Code and Section 27 of the Arms Act and Section 3(2)(va) of the SC/ST Act, however, this Court finds that the said order dated 20.07.2022 was challenged earlier by way of filing of an appeal bearing Criminal



Appeal (SJ) No. 2713 of 2022, which has stood dismissed by an order dated 18.01.2023, passed by this Court, hence second appeal is not maintainable.

7. In view of the aforesaid, the learned counsel for the appellant seeks not to press the present appeal, however, seeks liberty on behalf of the appellant to avail such other remedies, as are otherwise available under the law. Liberty, so sought, is granted.

8. The appeal stands disposed off as not pressed.

(Mohit Kumar Shah, J)

S.Sb/-

U		T	
---	--	---	--

