

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6866 of 2015

Arising Out of PS.Case No. -101 Year- 2013 Thana -DUMRIAGHAT District-
EASTCHAMPARAN(MOTIHARI)

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Ranju Devi, Wife of Ajay Kumar Chaudhary @ Bhikhari Sahani, Resident
of Village – Malahi Tola, P.S. Nautan, District – West Champaran

.... Petitioner/s

Versus

The Union of India Through Deputy Director D.R.I. Regional Unit, Patna

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arun Kumar, Advocate

For the Opposite Party/s : Mr. Manoj Kumar Singh (CGC)

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH**

ORAL ORDER

02/ 23-02-2015

Since this case has been registered under sections 489(A), 489(B) and 489(C) of the Indian Penal Code, the present application under sections 439 and 440 of the Code of Criminal Procedure is not maintainable in view of the ratio laid down by Division Bench of this court in Cr.W.J.C. No. 487 of 2014, Aasif P.K. alias Md. Aaripha alias Aasif alias Md. Aasipha alias Md. Aasif alias Aarif Vs The State of Bihar and others.

The Section 2(1) (g) of National Investigation Agency Act, 2008 defines scheduled offence as offence specified in the schedule. The offences under sections 489(A), 489(B) and 489(C) of the Indian Penal Code have also been included in the schedule of the NIA Act. Hence the present application under sections 439 and 440 of the Code of Criminal

Procedure, filed for grant of bail in connection with S.T. No. 726 of 2014 arising out of Dumariaghat P.S. Case No. 101 of 2013, is not maintainable.

Accordingly, the application is disposed of with liberty to the petitioner to move Special Judge/Sessions Judge under section 437 Cr.P.C. and against the order passed by the learned Special Judge/Sessions Judge, may prefer an appeal before the High Court under section 21(4) of National Investigation Agency Act, 2008.

(Dinesh Kumar Singh, J)

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