

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6885 of 2015

Arising Out of PS.Case No. -438 Year- 2014 Thana -MINAPUR District- MUZAFFARPUR

Brijnandan Das

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner : Mr. Amit Kumar Rakesh, Advocate.

For the Opposite Party : Mr. Subhash Chandra Mishra (App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 12-03-2015 Since this case has been registered also under the provisions of the Unlawful Activities (Prevention) Act, 1967 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 Unlawful Activities (Prevention) Act, 1967 is item no. 2 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 Minapur P.S. Case No. 438 of 2014, pending in the court of the learned C.J.M., Muzaffarpur, is not maintainable.

Accordingly, the application is disposed off 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.

U.K./-

(Dinesh Kumar Singh, J)

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