

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43257 of 2014

Arising Out of PS.Case No. -140 Year- 2013 Thana -GOH District- AURANGABAD

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1. Jitendra Das @ Prem Ranjan Son of Late Sheo Sharan Das Resident of
Village - Korap, Police Station - Anti, District - Gaya

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Lokesh Kumar Singh

For the Opposite Party/s : Mr. Sunil Kumar Pandey (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 23-02-2015 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 Goh P.S. Case No. 140 of 2013 pending in the court of the learned SDJM, Daudnagar, Aurangabad, 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)

Anil/-

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