

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.656 of 2020

In
CRIMINAL MISCELLANEOUS No.102 of 2020

Arising Out of PS. Case No.-31 Year-2018 Thana- NIA District- Patna

MD. NIYAZUR RAHMAN @ NIYAZUL RAHMAN @ GULO Son of Late
Md. Abdul Rasid Abdul Rasid Resident of Village Mirzapur Bardah, P.S.
Muffasil, District - Munger.

... .. Appellant/s

Versus

1. The State of Bihar
2. Under Secretary to the Government of India, National Investigation Agency,
Ministry of Home Affairs, C.T.C.R. Division, North Block, New Delhi.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Kamal Kishore Jha, Advocate.
For the State	:	Mr.Tarun Prasad Mandal, APP.
For NIA	:	Mr. Manoj Kumar Singh, Spl. PP.

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

5 02-02-2021 Heard the parties.

This appeal has been preferred against the refusal of
prayer for bail.

Learned counsel for the respondents raised
preliminary objection that even if the grant or refusal of bail
under Section 438/439 Cr.P.C. is an interlocutory order, the
appeal would be heard by a Division Bench in view of the
provisions of Section 21 of the National Investigation Agency
Act, 2008 and as held by Hon'ble Supreme Court in
Usmanbhai Dawoodbhai Memon Vs. State of Gujarat
reported in **(1988) 2 SCC 271** and in the case of State of



Andhra Pradesh through I.G., National Investigation Agency vs. Md. Hussain @ Saleem reported in **(2014) 1 SCC 258.**

Let this appeal be registered as Cr. Appeal (DB).

The Appellant shall comply the necessary formalities of supplying second copy of brief of the memo of appeal.

(Birendra Kumar, J)

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