IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48076 of 2016

Arising Out of PS.Case No. -4 Year- 2013 Thana -GOVERNMENT OFFICIAL COMP. District-PATNA

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1. Girdhari Rai Son of ram Sujan Rai Resident of Yaduvanshi Nagar Akhara Road, P.S- Digha District - Patna.

.... Petitioner/s

Versus

1. The Union of India Through The Assistant Director, Directorate of Enforcement (govt. of India), Ist Floor, Chandpura Place, Bank Road,West Gandhi Maidan Patna-1.

.... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Sunil Kumar Pathak
For the Opposite Party/s : Mr. S.D.Sanjay(Asg)

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL
ORAL ORDER

2 15-12-2016 Heard the Counsel for the petitioner and Mr. Mathur, appearing for the Enforcement Directorate.

Petitioner is facing prosecution in Special Trial No. (PMLA) 01/2015 (arising out of ECIR No. PTZO/04/13 registered under section 45 of Prevention of Money Laundering Act filed by the Assistant Director of the Directorate of Enforcement, Government of India.

The Economic Offence Unit registered a case vide F.I.R. No. 13 of 2013 under diverse penal provisions for committing fraud and forgery and earning huge property in which Sunni Priyadarshi was apprehended who disclosed name of Krishna Rai and Chandan Kumar @ Tinku Kumar. Upon conclusion of investigation, charge-sheet was submitted against all the three accuseds of the said case. Subsequently, on the basis of a complaint lodged by the Police authority, the petitioner being the brother of co-accused Krishna Kumar is sought to be made accused under the relevant penal provisions of the Act with an allegation that he has assisted co-accused in dealing with the proceeds of the crime.

Counsel for the petitioner, referring to the complaint, states that the allegation against the accuseds of F.I.R. 13 of 2013 is in respect of the period 2007-08 to 2012-13. According to the prosecution, in the year 2006, a property was purchased by co-accused Krishna Kumar alongwith the petitioner for a sum of Rs. 9 lakhs for which no satisfactory explanation was furnished. It is stated that the said acquisition was made in 2006. The prosecution has already attached the property covered by the sale deed of the year 2006. It may be a case where the petitioner was misled or misutilised by his brother. The petitioner has not claimed the property before the authority for its release from the confiscation or attachment.

Considering the above, in the event of arrest or surrender in the Court below within four weeks, the petitioner abovenamed is directed to be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge, Patna in Special Trial (PMLA) Case No. 01/2015 (arising out of ECIR No. PTZO/04/2013) subject to the condition as laid down under Section 438(2) of the Cr.P.C. with the further following conditions:

(i) One of the bailers shall be the own/close family members of the petitioner.

(ii) In case of framing of charge, the petitioner shall appear in person on each and every date fixed in the Court below. In case of default in doing so on two consecutive occasions without any cogent/satisfactory reason, the Trial Court shall have liberty to cancel the bail bond of the petitioner and secure his arrest in accordance with law.

(Kishore Kumar Mandal, J)

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