IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30758 of 2018

Arising Out of PS.Case No. -339 Year- 2016 Thana -CIVIL LINE District- GAYA

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Motilal Patwa, son of late Hulash Ram Patwa, resident of mohalla Manpur Durga Asthan, P.S. Buniyadganj, District - Gaya.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Siya Ram Shahi, Advocate.
Ms. Shally Kumari, Advocate.

For the Opposite Party/s : Mr. Sri Ashok Kumar

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL ORDER

4 02-07-2018 Heard learned counsel for the petitioner and the State.

The petitioner apprehends his arrest in **Civil Lines P.S. Case No. 339 of 2016** instituted for the offence under Sections 419, 420, 467, 468, 469, 471 and 120(B) of the Indian Penal Code.

In the written report it is alleged that informant has opened account in the name of his firm *Shiva Agro Enterprises* and two accounts in the name of his brothers namely, Rajnish Kumar and Shailesh Kumar in the Bank of India, G.B. Road, Gaya. He demanded statement of accounts from the Bank on 7.12.2016, but the same was not given. It is further alleged that above accounts have been mis-utilized in connivance with the Bank officials and huge amount of cash was deposited in the aforesaid accounts and then transferred to other accounts without knowledge of the informant and other account holders.

Learned counsel for the petitioner has submitted that the case is also pending under PMLA Act against the petitioner and other account holders. In paragraph-11 of the bail petition it is mentioned that Deputy Director, ED Patna Zonal Office, Patna, on 03.03.2016 has filed OA No. 77 of 2017 against the petitioner and fifteen other of his family members under Section 17(4) of PMLA Act in the court of Adjudicating Authority under the PMLA 2002.

Case diary has been received.

Learned A.P.P. after looking into the case diary has submitted that statement of the informant has been recorded in paragraph-94 of the case diary wherein it is mentioned that on several dates, huge amount has been deposited in the aforesaid accounts and the same has been transferred through RTGS transaction by mis-utilizing his bank cheques submitted in the Bank in security and all misutilization has been done by the petitioner in connivance with the Bank officials. Similar statement has been given by brothers of the informant in paragraphs 95-96 of the case diary wherein it is mentioned that during investigation, it has also come that several crores of rupees was transferred by using the account of the informant and other account holders by the petitioner. The writing on the RTGS forms submitted for transfer of the amount in the bank has been found in the writing of the petitioner.

Therefore, this Court is not inclined to grant anticipatory bail to the petitioner.

Petitioner may surrender before the court below and make prayer for regular bail.

(Sanjay Priya, J)

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