IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32854 of 2018

Arising Out of PS. Case No.-69 Year-2018 Thana- CIVIL LINE District- Gaya

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Chakresh Jain @ Chakresh Kumar Jain S/o Pawan Jain @ Pawan Jain, R/o Ramna Road, Mir Saflat Road, P.S.- Civil Line Thana, Distt.- Gaya.

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Guriya Nisha
For the Opposite Party/s : Mr. Sri Ganesh Prasad Singh

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

2 29-06-2018 Heard the learned counsel for the petitioner and the State.

The petitioner seeks bail in anticipation of his arrest in connection with Civil Lines P.S. Case No. 69 of 2018 dated 15.02.2018 instituted for the offences under Sections 419, 420, 120(B) and 34 of the Indian Penal Code.

The FIR has been lodged with a peculiar allegation that keeping in mind the earlier business transaction between the petitioner and the informant, the informant agreed to accept Rs. 60 Lakhs in his bank account which was transmitted from the account of one Rubi Kumari. Later, it transpired that the money which has been transacted was for the purpose of money laundering. The Enforcement Directorate thereafter swooped upon the informant and asked for an explanation as to how was money received by him in his account from the bank account of Rubi Kumari.

Learned counsel for the petitioner has submitted that on face of it, the allegation in the FIR appears to be absurd. The reason for saying so is that such huge amount shall not be transacted on telephonic conversation. The informant has not taken care to ask as to who Rubi Kumari is, whose bank account has been used for transferring such huge amount. Rubi Kumari is not known to the petitioner. This is, it has been argued, at attempt by the informant to pass on the buck to others, in order to come out of the net of the Enforcement Directorate. Only the informant will have to explain as to under what circumstances the money was transmitted in his account.

So far as the petitioner is concerned, no amount has been transferred from his account.

Assuming that the petitioner had some business relationship with the informant, that by itself would not make him liable for being prosecuted in the present case.

Considering the aforesaid facts, the petitioner above named is directed to be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, on his furnishing bail bonds in the sum of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, Gaya in connection with Civil Lines P.S. Case No. 69 of 2018, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Ashutosh Kumar, J)

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