

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1638 of 2018

In
Civil Writ Jurisdiction Case No.14335 of 2016

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

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Satish Kumar son of Late Ramlakan Lal, resident of Mohalla-Bagh Sadho Ram, P.O. Begampur, P.S. Chowk (Patna City), District - Patna

... .. Petitioner/s

Versus

1. The State Of Bihar.
2. The Principal Secretary, Health Department, Govt. of Bihar, Patna.
3. The Director, Health Department, Govt. of Bihar, Patna.
4. The District Magistrate, Patna.
5. The Civil Surgeon Cum Cheif Medical Officer, Patna.
6. The In-charge Medical Officer, Primary Health Center, P.S. Daniyawan, District – Patna.
7. The Senior Superintendent of Police, Patna.
8. The Superintendent of Police (Rural), Patna.
9. The S.H.O. Daniyawan Police Station, Patna.
10. The A.S.I. cum Investigating Officer, Daniyawan Police Station, Daniyawan, Patna.
11. The Regional Manager, State Bank of India, Patna.
12. The Branch Manager, State Bank of India, Gulzarbagh Branch, Patna City, Patna.
13. Inspector General of Police, Economic Offence Unit, Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Sanjiv Mishra, Advocate
For the EOU	:	Mr. Akhileshwar Pd. Singh, Sr. Adv. Mr. Vijay Anand, Advocate
For the State	:	Mr. Sudish Kumar, AC to PAAG-2
For SBI	:	Mr. Anjani Kumar Mishra, Advocate Mr. Ambrish Bhardwaj, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

8 25-09-2018 Heard learned counsel for the petitioner, learned Senior Counsel representing the Economic Offence Unit, Bihar Patna and learned counsel for the State Bank of India.

Petitioner in the present case is seeking quashing of



the letter dated 14.07.2016 written by A.S.I. Cum Investigating Officer, Daniyawar Police Station to Branch Manager State Bank of India, Gulzarbagh Branch, Patna City by which he requested the Branch Manager of the State bank of India to freeze the salary account of the petitioner bearing no. 10796278341.

Learned counsel for the petitioner submits that the petitioner is serving as Health Educator in the office of the Incharge Medical Officer, Primary Health Center, Daniyawar. He is maintaining his salary account with the State Bank of India, Gulzarbagh Branch, Patna City in which his salary of every month is getting deposited. It is submitted that a sum of Rs. 60,000/- withdrawn by him from the G.P.F. Account is subject matter of the controversy as according to the first information report lodged against one Suman Kant Sinha and his mother for illegal withdrawal of Rs. 56,20,000/- from the G.P.F. Account of the several employees including this petitioner, certain materials have been collected in course of investigation against this petitioner and for that reason the salary account of the petitioner is sought to be freezed.

It is submitted that so far as the present petitioner is concerned, the material collected against him are alleging some



illegal withdrawal of Rs. 60,000/- from his G.P.F. Account. The petitioner is, however, disputing the allegation and contesting the same in accordance with law.

Learned Senior Counsel representing the Economic Office Unit has placed on record the supplementary counter affidavit today. According to supplementary counter affidavit filed today, the Bill No. 79/10-11 is relating to this petitioner wherein the amount shown in the Treasury Messenger Register is Rs. 62,568/- whereas over written Bill No. 80/10-11 shows Rs. 60,000/- as G.P.F. Advance but the same has been shown as 'cancelled'. The Investigating Agency has upon examining the Bill Book/Register of the Primary Health Center, Daniyawan found that the column of Bill No. 79/10-11 are blank whereas Bill No. 78/10-11 a sum of Rs. 62,568/- was found and in the Treasury Messenger Register of Primary Health Center, Daniyawan in over written Bill No. 79/10-11 same amount of Rs. 62,568/- is incorporated. It is further submitted that the investigation is going on against this petitioner as well as other non-FIR accused persons.

Leaned counsel representing the Bank submits that pursuant to the last orders dated 03.08.2018 and 18.08.2018, the petitioner has been allowed to operate the salary account to the



extent of the deposit made after 14.07.2016.

Taking note of the stand of the Economic Office Unit, this Court in its order dated 18.08.2018 directed that the petitioner will be allowed to operate salary account to the extent of the deposit after 14.07.2016 for the present and the deposit as on 14.07.2016 shall remain intact and remain blocked until further order of this Court.

After hearing learned counsel for the parties and on perusal of the records, this Court finds that on the last date i.e. on 04.09.2018, this Court called upon the Economic Office Unit to show as to why the amount which the petitioner has earned by way of salary stands credited in his salary account should remain withheld when the controversial amount is only Rs. 60,000/-.

The supplementary counter affidavit filed today, however, is completely silent on this aspect of the matter, although the allegations against the petitioner have been addressed on merit and on the basis of the materials collected so far. The fact remains that even in supplementary counter affidavit, the controversial amount against the petitioner is Rs. 60,000/-. It has also come on record that on 14.07.2016 when the Investigating Officer freezed the salary account of the



petitioner, there was a credit balance of only Rs. 1431.56/-. Thereafter, the entire salary of the petitioner was getting deposited in the same account but because the account was lying freezed, he was unable to withdraw the amount and not a single paisa was withdrawn. In this way, the salary earned by the petitioner got on credited in the account for over two years when ultimately this Court by order dated 03.08.2018 allowed the petitioner to withdraw a sum of Rs. 25,000/- for the present.

The question which has come up for consideration before this Court is as to whether in the given facts and circumstances of the case, the petitioner should be allowed to withdraw the salary amount which he has earned after 14.07.2016 ?

In the supplementary counter affidavit of the Economic Offence Unit there is no address on this issue. This Court is of the considered opinion that the petitioner cannot be deprived of from withdrawing the salary amount which he is earning every month.

It is evident from the record that the controversial amount against the petitioner is only Rs. 60,000/-. This Court would, therefore, direct the Bank to allow the petitioner to operate the salary account in normal course but by keeping a



sum of Rs. 60,000/- blocked in the account until further order of this Court or by the Investigating Agency as the case may be. Save and except Rs. 60,000/- which will remain blocked in the account, the petitioner will operate the salary account in usual course.

This application stands disposed off with the aforesaid observations and directions.

(Rajeev Ranjan Prasad, J)

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