

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56310 of 2019

Arising Out of PS. Case No.-3 Year-2018 Thana- GOVERNMENT OFFICIAL COMP.
District- Patna

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1. SRIMATI DEVI Wife of Binay Yadav Resident of Village - Deora, P.S.- Amba, P.O. - Parta, Distt - Aurangabad.
 2. Sarju Yadav Son of Nanhu Yadav Resident of Village - Mahasu, P.S.- Amba, Distt - Aurangabad, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Union of India through Director, PMLA, 1st floor, Chandpura Place, bank Road, West Gandhi Maidan Patna, Bihar
3. Director PMLA, Government of India, 1st Floor Chandpura Place, Bank Road, West Gandhi Maidan, Patna Bihar-800001

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Neeraj Kumar Singh
For the Opposite Party/s : Mr.S.D. Sanjay (A.S.G Of Ind)

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 19-11-2019 This application, for grant of anticipatory bail, arises out of Complaint Case No.-Spl Trial No. (PMLA) 01 of 2019, disclosing offences under Section 45 of the Prevention of Money Laundering Act 2002.

The present case has been instituted on a special complaint lodged by the Assistant Director (PMLA), Directorate of Enforcement, Govt. of India under Section 45(1) of Prevention of Money Laundering Act with allegation that altogether 46 cases have been lodged against co-accused Binay Yadav @ Vinay Yadav @ Kamal Jee @ Kislay Jee @ Murad @



Guru Jee @ Mahendra Jee, who is an active member of banned outfit CPI (Maoist), in which, chargesheet has been submitted under various sections of Indian Penal Code as well as under Unlawful Activities (Prevention) Act, Explosive Substance Act, 1908 etc and he and his associates have been involved in threatening and killing the innocent people/security forces and collection of levy and it is alleged that proceeds of crime accumulated by Binay Yadav have been utilized for the acquisition of various movable and immovable properties in the name of his wife, petitioner Srimati Devi, daughter Pooja Kumari, daughter Poonam Kumari, son in law Prem Kumar and in the name of one Saryu Yadav, who is father of Prem Kumar. It is alleged that properties worth more than Rs. Fourteen Lakhs have been purchased in the name of Srimati Devi, petitioner no. 1 and movable and immovable properties have also been acquired in the name of petitioner no. 2 Saryu Yadav but Srimati Devi, petitioner no. 1 is not the income tax payee nor source of income for those amount paid for those transaction has been disclosed and petitioner no. 2 Saryu Yadav has also not disclosed his income tax return rather they have used the amount in the transaction, which have been illegally accumulated by the accused Binay Yadav from the proceeds of



crime.

Learned counsel for the petitioners has submitted that though Srimati Devi is the wife of Binay Yadav but the said Binay Yadav abandoned his family in the year 2003, whereas, all the purchases have been made in the year 2007 and, thereafter, and she and her children are being looked after by Shri Devraj Yadav (father of Binay Yadav), who is a retired Govt. teacher and he has provided financial assistance for purchasing the properties in her name as well as in the name of her children. On behalf of petitioner no. 2, it has been submitted that whatever properties movable or immovable, has been acquired by petitioner no. 2 from the income of transport business. As such, it cannot be said that the petitioners have accumulated the properties from the money illegally accumulated by the Binay Yadav.

On the other hand, learned Additional Solicitor General, appearing on behalf of Union of India opposed the prayer for anticipatory bail of the petitioners drawing the attention of this court towards the F.I.R. and submitted that initial complaint, itself disclose that Binay Yadav is accused in 46 cases of various types and paragraph 13, 14 and 15 disclosed the details properties, which have been acquired by the



petitioners and their family members. The statement of daughter of petitioner no. 1, namely, Pooja Kumari has been recorded under Section 50(2) and 50(3) of PMLA Act, in which, Pooja Kumari has admitted that source of cash deposits on various dates in her bank account is her mother Srimati Devi i.e. petitioner no. 1, which includes fixed deposit of Rs. 1.51 Lakh. It is also evident that Srimati Devi has never filed her income tax return and she could not produce any material to show the source of acquisition of the properties. Similarly, the statement of son in law Prem Kumar has also been recorded and he has also admitted that the source of cash deposit of Rs. Fifteen Lakh in his bank account is the cash given by his mother in law, Srimati Devi, petitioner no. 1, who has no independent source of income and had also admitted that he had filed false income tax return. So far petitioner no. 2 Saryu Yadav is concerned, it appears that proceeds of crime has been utilized for purchasing three buses, one bolero jeep and a JCB machine and even vehicles have been purchased in cash or payment through bank account. In his statement under Section 50(2) and 50(3) PMLA Act, petitioner no. 2 Saryu Yadav has admitted that he has filed false income tax return for assessment years 2016-17 & 2017-18 and he has also admitted the source of huge cash deposits in his



bank account, is the cash given by in laws of his son Prem Kumar. As such both both petitioners are involved in utilizing the properties, which have accumulated through illegal means by Binay Yadav by his criminal activities and, therefore, the petitioners do not deserve the privilege of anticipatory bail.

Having heard both sides, considering the facts and circumstances of the case, I am not inclined to grant the privilege of anticipatory bail to the petitioners rather petitioners have to surrender before the court below and make prayer for regular bail and if any such application is filed, the court below will dispose of the same on the merit of the case, without being prejudiced by this order.

This application is, accordingly, dismissed.

(Vinod Kumar Sinha, J)

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