IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67317 of 2019

Arising Out of PS. Case No.-98 Year-2019 Thana- DHAKA District- East Champaran

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Sandesh Kumar Das @ Sandesh Kumar Son of Prabhu Das Resident of Village - Harbolwa, Ward No. - 5, P.S.- Sikarganj, District - East Champaran

... ... Petitioner

Versus

1. The State of Bihar
2. The Branch Manager, State Bank of India, Dhaka Branch, Dhaka, P.S.- Dhaka, Dist.- East Champaran.

... ... Opposite Parties

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Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Singh, Adv.
For the State	:	Mr. Mukeshwar Dayal, A.P.P.
For the Bank		Mr. Binod Bihari Sinha, Adv.

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA

ORAL ORDER

9 11-12-2020 Heard learned counsel for the petitioner, learned counsel for the Bank as well as learned Additional Public Prosecutor for the State through video conference.

Petitioner apprehends his arrest in connection with Dhaka P.S. Case No. 98 of 2019 registered for the offences punishable under Sections 418, 420, 467, 468, 471, 120(B) of the Indian Penal Code.

The accusation against the petitioner is that he got opened an account and having deposited illegal amount withdrew the said amount on the very next day of its deposit.

Learned counsel appearing for the petitioner submits that petitioner is a student and as a matter of fact, employees of the bank got opened the account of the petitioner in concerned bank on 28.09.2018 but kits of the account were made available to petitioner on 25.10.2018 whereas amount is said to be withdrawn from 01.10.2018 and onwards. Learned counsel of the petitioner submits that this court asked specific question about the aforesaid fact from the concerned bank but no answer in respect of the aforesaid fact has been given by the concerned bank.

Learned counsel appearing for State Bank of India opposed the prayer submitting that admittedly, huge amount was deposited in the account of the petitioner and on the very next day of deposit of the amount, the said amount was withdrawn and, therefore, the aforesaid fact clearly goes to show that petitioner is a member of gang which involves in money laundering.

Admittedly, no case under prevention of Money Laundering Act has been drawn and there is nothing in the counter affidavits of the bank to show that when the kits of the account were made available to petitioner on 25.10.2018, how amount in question was withdrawn on 01.10.2018.

Considering the aforesaid facts and circumstances as well as submissions of the parties and also taking note of this fact that petitioner does not have any criminal antecedent, this anticipatory bail petition is allowed and it is ordered that petitioner, in the event of his arrest/ surrender within six weeks from the date of receipt of this order to the court concerned, shall be released on bail on furnishing bail bonds of Rs 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub-divisional Judicial Magistrate, Sikarahana at Dhaka, East Champaran, Motihari in Dhaka P.S. Case No. 98 of 2019, subject to conditions as laid down under Section 438(2) of the Cr.P.C.

(Hemant Kumar Srivastava, J)

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