

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33438 of 2020

Arising Out of PS. Case No.-340 Year-2016 Thana- CIVIL LINE District- Gaya

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MOTILAL PATWA @ MOTILAL S/o Late Hulash Ram Patwa Resident of
Manpur Patwa Toli, Semraj Park, Manpur, Police Station-Buniyadganj,
District-Gaya (Bihar).

... .. Petitioner

Versus

1. THE STATE OF BIHAR THROUGH THE ECONOMIC OFFENCE UNIT
BIHAR, PATNA Patna.
2. The Department of Vigilance through its Secretary, Bihar,Patna. Patna.

... .. Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Bindhyachal Singh, Adv.
Mr.Saket Gupta, Adv.
For the Opposite Party/s : Mr. Vishwanath Prasad Singh, Sr. Adv.

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

6 19-02-2021 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner seeks bail in connection with

Special Case No. 24(A) of 2018, arising out of Gaya Civil

Lines P.S. Case No. 340 of 2016 dated 13.12.2016

instituted for the offence under Sections 419, 420, 467,

468, 469, 471 and 120B of the Indian Penal Code and

under Sections 13(1)(d) and 13(2) of the Prevention of

Corruption Act.

The petitioner is stated to be in custody since



20.02.2020.

According to the allegation, the bank account of the informant/Rakesh Kumar was misused for a huge transaction, which could not have been possible without the collusion of the bank staff. Many persons have been made accused in this case and the other cases, about which reference has been made in paragraph-3 of the bail petition, all of which arise out of the same transaction in which the bank accounts have been misused.

Mr. Vishwanath Prasad Singh, learned Senior Advocate for E.O.U. has however stated that the petitioner is responsible for transaction of approximately Rs. 45 crores and out of that amount, the petitioner has transferred Rs. 41 crores in different bank accounts. He, therefore, submits that the petitioner is the main person behind the aforesaid misuse of the bank account of an innocent person.

In response to the aforesaid statement, learned counsel for the petitioner has stated that he has not been named in the FIR and there is every possibility of the account of customer having been misused for collateral



purposes by other accused persons in collusion with the bank officials. However, the petitioner has been granted bail in two out of four cases which have been foisted upon him.

On 15.12.2020, this Court had called for the case diary and had also asked the learned senior counsel for the E.O.U. to take instructions with respect to the possible time within which the trial of the petitioner in this case would be concluded.

Mr. Vishwanath Prasad Singh, today has submitted that there are serious allegations against the petitioner and in one of the cases, in which the petitioner has been made accused, his bail has been rejected. However, he submits that the trial has not yet commenced as no witness has been examined so far.

Thus, there is no likelihood of the trial of the petitioner being concluded in near future.

Considering this aspect of the matter, the petitioner, above named, is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the



satisfaction of learned Special Judge, Vigilance -I, Patna, in connection with Gaya Civil Lines P.S. Case No. 340 of 2016.

The release of the petitioner but shall be subject to the condition noted herein after:-

The petitioner shall not absent himself from the trial proceedings on two consecutive occasions without seeking prior permission of the Trial Court. Should he do so, the Trial Court will proceed for cancellation of his bail.

The petitioner shall not tamper with the evidence or shall intimidate any witness or shall do anything to impede the pace of trial. Should he be found doing so, it would be open for the Investigating Officer of this Case to file a suitable application before the Trial Court for cancellation of his bail.

While furnishing bail bonds, the petitioner shall give his mobile telephone number as well as the mobile telephone numbers of his bailors, which shall be kept in operative condition.

The petitioner shall also get his presence marked before the Officer -in-Charge of the concerned police station



once every month, preferably on the first Monday. The Officer -in-Charge of the concerned police station shall not unnecessarily make the petitioner wait in the police station and shall immediately record his presence on his visiting the police station.

The petition stands disposed of with aforesaid observation.

(Ashutosh Kumar, J)

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