IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15229 of 2022

Arising Out of PS. Case No.-660 Year-2020 Thana- KATIHAR NAGAR District- Katihar

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ALMAR KHAN Son of Nasim Khan Resident of Village - High School Para, P.s.- Katihar (N), Distt.- Katihar.

... ... Petitioner/s

Versus

THE STATE OF BIHAR

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Rudrank Shivam Singh
For the Opposite Party/s : Mr. Rajendra Nath Jha

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN

ORAL ORDER

2 15-11-2022 Heard learned counsel for the petitioner and learned A.P.P. for the State.

Learned counsel for the petitioner undertakes to remove the defects, as pointed out by the office, within four weeks. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before the Bench.

The petitioner apprehends his arrest in Katihar (Town) P.S. Case No. 660 of 2020 registered for the offences punishable under Sections 414, 420, 467, 468, 470, 471 & 120B/34 of the Indian Penal Code, Section 14/14 (C) of the Foreigners Act and Section ¾ of the Money Laundering Act.

The prosecution case, in short, is that the petitioner along with other co-accused is said to have involved in a case of money laundering.

It is submitted by learned counsel for the petitioner that no such occurrence as alleged ever took place. He has been falsely implicated in this case. It is further submitted that the provisions of Foreigners Act, 1946 is not applicable in as much as the document so seized from the petitioner clearly demonstrates that he is an Indian resident and doing business in India for gain. The provisions of Money Laundering Act has been fastened on the petitioner and the records were sent to the Special Court, Patna even though the local police at Katihar was not empowered to institute the case under the Money Laundering Act. The Special Court, Patna vide its order dated 26.03.2021 questioned as to whether the State police had authority to investigate and file charge sheet in Prevention of Money Laundering Act and after due diligence returned back the records to the Court of Chief Judicial Magistrate, Katihar. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. Similarly situaetd co-accused, namely, Md. Monajir Hassan @ Md. Md. Monajir Hussain @ Md. Munazir has been enlarged on anticipatory bail by a co-ordinate Bench of this Court vide order dated 28.06.2021 passed in Cr. Misc. No.20313 of 2021. Petitioner has no criminal antecedent.

Learned APP for the State vehemently opposing the bail petition submitted that considering the seriousness of the allegations, petitioner does not deserve anticipatory bail.

Considering the facts and circumstances of case, I am not inclined to enlarge the petitioner on anticipatory bail. The prayer for anticipatory bail of the petitioner is hereby rejected. However, the petitioner is directed to surrender before the learned Court below within six weeks from today and seek regular bail and the learned Court below would pass order in accordance with law without being prejudiced by this order.

(Anjani Kumar Sharan, J)

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