

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.41241 of 2022

Arising Out of PS. Case No.-339 Year-2016 Thana- CIVIL LINE District- Gaya

MOTILAL PATWA @ MOTILAL Son of Late Hulash Ram Patwa Resident of Manpur Patwa Toli, Semraj Park, Manpur, Police Station- Buniyadganj, District - Gaya, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through The Economic Offence Unit, Bihar, Patna
2. The Department of Vigilance through its Secretary, Bihar, Patna.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. P.N.Shahi, Sr. Adv.
Mr. Saket Gupta, Adv.
For the Opposite Party/s : Mr. Vishwanath Pd. Sinha, Sr. Adv.
Ms. Soni Srivastava, Adv.

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL ORDER

4 28-09-2022 Heard Mr. P.N.Shahi, learned Senior counsel for the petitioner and Mr. Vishwanath Prasad Sinha, learned Senior counsel assisted by Ms. Soni Srivastava, learned counsel for the Economic Offence Unit.

The petitioner has renewed his prayer for grant of regular bail in a case registered under sections 420, 419, 467, 468, 469, 471 and 120B of the Indian Penal Code to which sections 13(1)(d) and 13(2) of the Prevention of Corruption Act were added subsequently.

As per the allegation in the F.I.R., it is stated by the informant that he had opened an account in the Bank of India at Gaya in the name of his firm, the account had been opened for purpose of taking loan. On asking for his details on 7.12.2020 with respect to the account, no information was provided on the



pretext of the machine not working. It transpired that a number of illegal transactions had taken place from the account. As such, it was requested that appropriate action be taken as the transactions have taken place in conspiracy with the employees and Manager of the Bank.

It is submitted by learned Senior counsel appearing for the petitioner that the petitioner has been falsely implicated in the case. The earlier prayer for bail of the petitioner was rejected vide order dated 8.7.2021 (Annexure-1). Referring to the contents of the F.I.R. as also the earlier order of rejection, it is submitted that the allegation against the petitioner, even if accepted for the sake of argument, is documentary in nature and the investigation having concluded, the documents are already in possession of the prosecution. The petitioner is in custody since 20.2.2020 and undertakes to cooperate in the trial. It is further submitted that in the connected PMLA case, the petitioner has been granted bail by the Hon'ble Supreme Court vide order dated 23.8.2022 passed in Cr. Appeal no.1311 of 2022.

The prayer for bail is opposed by learned Senior counsel appearing for the Economic Offence Unit. It is submitted that the allegations against the petitioner are serious



in nature which is evident from the contents of the case diary as also the earlier order of rejection. It is submitted that once the petitioner is enlarged on bail, he will not cooperate in the trial.

Having heard learned counsel for the parties and taking into consideration the contents of the F.I.R., the material that has transpired in course of investigation specially the fact that the evidence/case against the petitioner being documentary in nature and the investigation in the case having concluded together with the petitioner having remained in custody since 20.2.2020, the Court directs the petitioner to be enlarged on bail in connection with Special Case no.23A of 2018 (arising out of Gaya Civil Lines P.S. Case no.339 of 2016) on furnishing bail bond of Rs.20,000/ (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, Vigilance Ist at Patna on the following conditions:

(i) One of the bailors of the petitioner shall be a close relative of the petitioner.

(ii) The petitioner shall be properly represented on each date of the trial and shall cooperate in the trial.

(Partha Sarthy, J)

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