

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.2885 of 2018

Arising Out of PS. Case No.-1 Year-2016 Thana- VIGILANCE District- Patna

Mithilesh Kumar Son of late Shankar Singh, Resident of Village-Kohargarh, P.S.-Ekma, District-Saran Treasurer of Manjushree Jan Kalyan Foundation and Director of Vijayanand Pvt., ITI, Kohargarh, P.S.-Ekma, District-Saran.

... .. Petitioner/s

Versus

1. The Superintendent Of Police, Special Vigilance Unit, Bihar, Patna
2. The Branch Manager, State Bank of India, Ekma Branch, Saran,
3. The Branch Manager, State Bank of India, Bharhopur Branch, Saran.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Prashant Sinha, Adv. Ms. Priya, Adv.
For the Vigilance	:	Mr.Avnish Kumar, AC to Arvind Kumar
For the Bank	:	Mr.Sanjiv Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

7 25-07-2022 This writ application has been filed seeking setting aside of the order dated 07.02.2018 passed by the learned Special Judge, Vigilance-1st, Patna in Special Case No.40 of 2016.

By the impugned order, the learned Special Judge, Vigilance-1st, Patna has disposed of the application under Section 451 Cr.P.C. filed on behalf of the petitioner. The petitioner had filed the said application seeking release of his bank accounts which were seized in connection with SVU P.S. Case No.01/2016 instituted under Section 13(2) read with 13(1)(e) of the Prevention of Corruption Act against the accused Kameshwar Prasad Singh.

This petitioner is the brother of accused Kameshwar Prasad Singh and brother-in-law of the co-accused Manju Singh.



This Court has simultaneously heard Cr.WJC No. 2609 of 2018 which has been preferred on behalf of Smt.Manju Singh and has dismissed the same.

So far as the impugned order is concerned, by the impugned order, the learned court below has allowed the petitioner to operate three accounts belonging to him subject to the condition that the amount deposited in the said three accounts till 03.08.2016 be kept intact.

Mr. Prashant Sinha, learned counsel for the petitioner has assailed the order dated 07.02.2018 on the solitary ground that the condition imposed by the learned Special Judge that in all the three accounts the balance as on 03.08.2016 be maintained is not in accordance with law. At the same time, learned counsel has informed that the investigation of this case is complete and the chargesheet has been filed in which the petitioner has been shown as an accused sent up for trial. Pursuant to the said charge-sheet, the order taking cognizance has already been passed by the learned Special Judge.

On the other hand, Mr. Avnish Kumar, learned AC to Arvind Kumar, learned counsel for the Vigilance Investigation Bureau submits that there is nothing wrong with the impugned order in directing the petitioner to maintain the balance which was available on 03.08.2016.



Having heard learned counsel for the parties and on perusal of the records, this Court finds that the impugned order has been passed taking into consideration the fact that this petitioner has also been brought into the purview of the investigation and in course of investigation these three accounts were seized by the I.O. The learned court below has allowed the petitioner to operate the three accounts but while doing so a direction has been issued to maintain the minimum balance as on 03.08.2016.

In the opinion of this Court, this condition was required to be inserted in the order to protect the subject matter of the lis. Whether the money is tainted money or not would only be clear on conclusion of the trial and in the consequential proceeding.

So far as the impugned order is concerned, no illegality or infirmity may be found in the same.

This writ application has, thus, no merit. It is dismissed accordingly.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

