

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1717 of 2019

Arising Out of PS. Case No.-67 Year-2015 Thana- DANIYAWAN District- Patna

Dr. Binod Shankar Prasad, Son of Late Ram Chandra Prasad, Resident of
Mohalla - Ram Babu Chowk, P.S.- Town (Samastipur), District- Samastipur

... .. Petitioner/s

Versus

1. The State of Bihar
2. The District Magistrate, Patna Bihar
3. The Inspector General of Police, Economic Offences Unit, Bihar, Patna
4. The Senior Superintendent of Police, Patna Bihar
5. The Superintendent of Police, Rural, Patna Bihar
6. The Civil Surgeon cum Chief Medical Officer, Patna Bihar
7. The Incharge Medical Officer, Primary Health Centre, Daniyawon, P.S.-
Daniyawon, District- Patna Bihar
8. The S.H.O. Daniyawon, P.S.- Daniyawon, District- Patna Bihar
9. The A.S.I. Cum Investigating Officer, Daniyawon, P.S.- Daniyawon,
District- Patna Bihar
10. The Regional Manager, State Bank of India, Patna Bihar
11. The Branch Manager State Bank of India, Gulzarbagh, Patnacity, Patna
Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Umesh Kumar Verma, Advocate Mr. Satyendra Prasad, Advocate
For the State	:	Mr.Ajay Kumar, AC to GP-4
For the EOU	:	Mr. V.N.P. Sinha, Sr. Advocate Ms. Soni Shrivastava, Advocate
For the State Bank of India:		Mr. Anjani Kumar Mishra, Advocate Mr. Ambarish Bhardwaj, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

8 22-11-2022 Heard learned counsel for the petitioner, Mr. V.N.P.

Sinha, learned senior counsel assisted by Ms. Soni Shrivastava,

learned counsel for the Economic Offence Unit, Mr. Anjani

Kumar Mishra, learned counsel for the State Bank of India and



Mr. Ajay Kumar, AC to GP-4 for the State.

Petitioner in this case is seeking the following reliefs:-

“I. To issue a writ in the nature of Certiorari to quash the letter dated 22.09.2016 issued under the signature of SHO Daniyawan Police Station to the Branch Manager, State Bank of India, Gulzarbagh Branch, Patna City whereby and whereunder a direction was given to Bank Manager to freeze the operation of Account bearing Nos 10796292560 and 11423464484 till further direction as contained in Annexure-4 to this writ application.

II. To issue a writ in the nature of Mandamus Commanding to the respondents to allow the petitioner to operate his both the Bank Account bearing Nos 10796292560 and 11423464484 as per his convenience and suitability.

III. To issue any other writ or writs, order or orders, direction or directions for which the petitioner is entitled too in the facts and circumstances of this case.”

Learned counsel for the petitioner submits that the petitioner was appointed as a Medical Officer and while he was posted as Incharge Medical Officer, Primary Health Centre, Fatuha, Patna he was performing the work of drawing and disbursing officer. He took over the additional charge of Incharge Medical Officer, Primary Health Centre, Daniyawan by virtue of memo no.49 dated 03.01.2013 (Annexure-1 to the writ application).



Learned counsel for the petitioner submits that the petitioner handed over the additional charge of Primary Health Centre, Daniyawan to one Dr. Naushad Ali in terms of the Civil Surgeon's memo bearing no.2567 dated 12.04.2013 (Annexure-3 to the writ application). In 2015, the petitioner was transferred to the office of Civil Surgeon, Araria as Medical Officer. It is during this period that two criminal cases came to be lodged against one Sumant Kant Sinha and his mother Gayatri Sinha vide Alamganj P.S.Case No.164/2015 under Sections 406 and 409 of the Indian Penal Code and Daniyawan P.S. Case No.67/2015 dated 01.07.2015 under Sections 409, 420, 466, 467, 468, 472 and 120B of the Indian Penal Code. The said Sumant Kant Sinha was head clerk posted in the office of Primary Health Centre, Daniyawan and the allegation was that he had fraudulently withdrawn the GPF amount of several government employees working there and deposited the same in his account or in the account of his mother namely Gayatri Sinha. On his disclosure about this petitioner's involvement, all of a sudden the petitioner was taken in the purview of the investigation and he was arrested in one of the cases and thereafter remanded in another case.

During this period, the S.H.O., Daniyawan police



station has directed the Branch Manager, State Bank of India, Gulzarbagh Branch, Patna City to freeze the account bearing no.11423464484 and account bearing no.10796292560, both the accounts are of the petitioner. Because of the freezing order, as contained in Annexure-4 to the writ application, the petitioner has not been allowed to operate both the accounts for last more than 6 years.

Learned counsel submits that, in the meantime, while considering the prayer for bail of the petitioner, a learned coordinate Bench of this Court directed him to deposit Rs.2,20,000/- in the court of learned ACJM, Patna City on 23.12.2016 which has been done by the petitioner.

Learned counsel submits that as per the allegations the petitioner had passed three bills which involved a total amount of Rs.8,70,000/- but the investigation has revealed that no money has been transferred in either of the two accounts of the petitioner. It is, thus, his submission that if no tainted money has gone into the accounts of the petitioner both the accounts are liable to be released for operation by the petitioner.

Mr. V.N. P. Sinha, learned senior counsel for the Economic Offence Unit had earlier submitted that the allegation against the petitioner is that of passing of three bills amounting



to Rs.8,70,000/-. It is an admitted position that he has deposited Rs.2,20,000/- in the learned court below as a condition precedent for grant of bail. It is stated that in one of the accounts a sum of Rs. 22,71,291/- and in another account Rs.3,67,487/- were lying in the credit side of the account as on 11.12.2019.

Today, learned senior counsel has informed this Court on instruction that in fact Rs.8,70,000/- were withdrawn from the three GPF account of the Auxiliary Nursing Midwifery (ANM) namely Radhika, Mina Kumari and Maya Sinha. A sum of Rs.3,30,000/- was transferred from the account of ANM Radhika to a medical officer, a sum of Rs.2,20,000/- was transferred from the account of Mina Kumari to another Incharge Medical Officer and a sum of Rs. 3,20,000/- was transferred from the account of Maya Sinha in the account of Sumant Kant Sinha.

Learned senior counsel submits that in case this Court is willing to allow operation of the bank accounts, at least a sum of Rs.6,50,000/- is required to be blocked in the accounts of the petitioner and the same may be kept in a fixed deposit which the petitioner shall not encash without permission of the court.

Having heard learned counsel for the petitioner and learned senior counsel for the Economic Offence Unit as also



considering the materials available on the record, this Court is of the considered opinion that a reasonable submission has been made on behalf of the Economic Offence Unit. The Branch Manager, State Bank of India, Gulzarbagh Branch, Patna City shall keep a sum of Rs.6,50,000/- in a fixed deposit in the name of the petitioner which will earn interest at the prescribed rate but that fixed deposit shall not be allowed to be encashed by the petitioner without permission of the court. Subject to this condition, the Branch Manager shall allow the petitioner to operate both his accounts henceforth.

This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

arvind/-

U		T	
---	--	---	--

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'.

