

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23541 of 2023

Arising Out of PS. Case No.-7062 Year-2022 Thana- PATNA COMPLAINT CASE District-
Patna

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1. Manoj Kumar @ Guddu Singh @ Manoj Son of Late Mithilesh Singh @ Mithlesh Sharma R/O Department Of Physics, Muzaffarpur Institute Of Technology, P.S.- Brhampura, Dist.- Muzaffarpur 842003
 2. Laddu Singh @ Sujeet Kumar Son of Lalmohan Prasad Singh @ Late Mohan Prasad R/o Damuchak, P.S.- Shivpuri, Dist.- Muzaffarpur, Bihar - 842001.
 3. Manish Kumar @ Manish Son of Rabindra Kumar Singh R/o Near Khajurbanni, Krishnapuri, Nayatola, P.S.- Kazimohammadpur, Dist.- Muzaffarpur, Bihar - 842001.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Dr. Manisha Kumari Wife of Dr. Manoj Kumar R/o Road No.- 5, Indrapuri, P.S.- Patliputra, District - Patna 800013.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Mrigank Mauli, Sr. Advocate Mr. Sanket, Advocate Mr. Prince Kumar Mishra, Advocate Mr. Abhay Kumar, Advocate Mr. Md. Atif Ahmad, Advocate
For the Complainant	:	Mr. Nilanjan Chatterjee, Advocate Mr. Raushan, Advocate Mr. Atul Prakash, Advocate Mr. Abhay Kumar, Advocate Mr. Sahil Kumar, Advocate
For the Opposite Party/s	:	Mr. Tarun Prasad Mandal, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 21-04-2023 Heard Mr. Mrigank Mauli, learned Senior Counsel appearing on behalf of the petitioner; Mr. Nilanjan Chatterjee, learned Counsel appearing on behalf of the Complainant and Mr. Tarun Prasad Mandal, learned A.P.P. appearing on behalf of the State.

2. The petitioners seeks pre-arrest bail in connection with Complaint No. 7062 of 2022 registered



under Section 420, 406, 467, 468, 471, 477, 477A, 423, 504, 448 of the Indian Penal Code.

3. Mr. Mrigank Mauli, learned Senior Counsel appearing on behalf of the three petitioners submits that petitioner No.1- Manoj Kumar @ Guddu Singh is a professor of Department of Physics in Muzaffarpur Institute of Technology, petitioner No.2- Laddu Singh is a farmer and petitioner No.3-Manish Kumar @ Manish is a District Vice President of one of the national political party and actively striving for the cause of the society. He further informs that petitioner No.1 and 3 are general body members of the Society and not part of the Executive Committee, to that extent he submits that specific statement has been made in paragraph No.5 of the bail application. He further informs that the alleged allegation have been made just after the general body meeting held on 28.01.2022 in which interest of the complainant was not taken care of which led to the filing of the present complaint against the petitioners, who are innocent and have no concern with the day-to-



day affair of the Jageshwari Memorial Institute of Speech and Hearing. He further informs that Opposite Party No.2 (complainant) is 'Doctorate' in Speech and Hearing and her interest has not been taken care of by the society then executive members, who formulates the policies, are responsible for the day-to-day affairs of the society. He further informs that society has resolved to open a medical college in the name of Radha Devi Jageshwari Memorial Medical College and Hospital at Dr. Kalam Nagar, Manaria, Chhajan, P.S.-Turki, District-Muzaffarpur. It has also been informed that all the formalities for running a medical college have been done and the respective bodies have given their due affiliation/consensus to open a medical college. He further informs that petitioners have no role particularly, petitioner No.3, who is only a social activist and is striving for the cause for general welfare of the people.

4. Learned Counsel appearing on behalf of the Opposite Party No.2 has drawn the attention of this Court to statement made in paragraph No.23 of the



complaint petition which is, *inter alia*, reproduced hereinafter:

“That accused persons thereafter started criminal activities with the help of criminals and outsiders by giving threats, insulting and abusing hospital staff. They put up posters against the college asking students not to take admission. Out of fear the hospital staff stopped entering the premises. The accused no.1 to 5 along with 10-15 unknown anti-social elements visited the registered office of the institute on 06.06.2022 and started to threaten the complainant and her family members if they do not vacate the college premises immediately and resign from the Executive Committee and re institute the Executive Committee created on 28.01.2022, and take back the complaint filed before the Registrar of Societies otherwise it would entail dire consequences. On this when complaint protested, which infuriated the accused No.5 and he started abusing in filthy language and accused Nos. 1, 2 and 3 who were carrying pistols came forward and pointed the same at the son of the complainant and told him that you ply regularly between Patna and Muzaffarpur hence, any day you may be killed easily after that your entire family will also be killed. The 10-15 unknown persons were also carrying firearms.”



5. He further relies on paragraph No. 24 which is also reproduced hereinafter:

“That from the perusal of Account and auditors report it is crystal clear that initial Rs. 11 crore were paid by the accused No.5 and 6 through people who are relations and front men of accused no.5 and 6 to manage their ill gotten money and medical college was used for the purpose of money laundering only. The amount paid initially was repaid by money received from new trust, wherefrom, that trust received funds is also unknown. The money laundered by the accused persons within their family has been shown in the books of the institute as loan of Rs. 37 crores, hence it is clearly a case of legalizing the ill-gotten money of the accused No.1 and 2 by using the institute and it constitutes an offence under the PML Act. It is further evident that the accused persons upon being caught also threatened the complainant and her family members of dire consequences which is also an offence under the IPC as well.”

6. From the allegation as made in the complaint petition in paragraph No.23 it appears that petitioners



had threatened by pointing pistol towards the complainant. He further submits that specific allegation has been made that the petitioners No.1 and 2 are engaged in legalizing the ill gotten money.

7. On going through the records of the case, it appears that primarily the O.P. No.2 has filed a complaint for redressal of her grievance making attention of misdeeds done by the Executive members of the Society, but the learned Magistrate has not taken any cognizance under the provision of Prevention of Money Laundering Act, 2002. In such circumstances the only allegation against the petitioners appears to be that the petitioners No. 1 and 2 have threatened the complainant while no specific allegation has been made against the petitioner No.3.

8. However, considering the nature of allegation made and the fact that society has been registered and the said society have resolved to open a medical college whether on the basis of white money or by obtaining money by donation or by any illegal means



is the subject matter which can not be dealt with the present jurisdiction, however, if anyone is aggrieved particularly, petitioner No.3, he may break up the issue before the appropriate authority.

9. Prime facie, it appears that petitioners have made out a case to be released on anticipatory bail.

10. Court below is directed to release the petitioners above named on anticipatory bail, in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing of duly audited balance sheet by the Chartered Accountant and income tax return with respect to current financial year and bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each, to the satisfaction of learned SDJM, Patna District Court in connection with Complaint Case No. 7062 of 2022, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

Nilmani/-
Minu/-

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(Purnendu Singh, J)

