

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20996 of 2023

Arising Out of PS. Case No.-5 Year-2017 Thana- GOVERNMENT OFFICIAL COMP.
District- Patna

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Dhanik Lal Mandal @ Bhutali Ji @ Bhutali Yadav @ Bhutali S/O Ramdev
Yadav @ Ramdeo Yadav R/O Village- Lutua, Tola- Baburamdih, P.S- Lutua,
Distt.- Gaya.

... .. Petitioner/s

Versus

The Union Of India Through The Assistant Director, Directorate Of
Enforcement, Govt. Of India 1st Floor, Chandpura Place, Bank Road, West
Gandhi Maidan, Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. N.K.Agrawal, Sr.Advocate
	:	Ms. Kumari Nikhil, Advocate
	:	Mr.Dwij Raj, Advocate
	:	Mr.Saurav Barial, Advocate
For the U.O.I.	:	Mr.Ram Anurag Singh, C.G.C.

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 04-09-2023 Heard Mr. N.K.Agrawal, learned senior counsel

for the petitioner and Mr. Ram Anurag Singh, the learned

counsel for the Union of India.

2. The petitioner seeks bail, who is in custody since
11.12.2020 in connection with Special Trial No.(PMLA) 04 of
2018 in pursuance of ECIR No.PTZO/05/2017, F.I.R.dated
31.07.2017 registered for the offence under Section 4 of the
Prevention of Money Laundering Act, 2002 (In short-
'PMLA').

3. The prosecution case, is that, the Assistant



Director, Directorate of Enforcement, Patna lodged a written complaint under Section 45 of the Prevention of Money Laundering Act, 2002 (hereinafter referred to as the 'PMLA') in the court of learned Special Judge, PMLA, Patna. There is a list of 88 FIRs and three chargesheets against one Sandeep Yadav @ Vijay Yadav @ Rupeshjee @ Badka Bhaiya who is accused no. 1. Accused no. 2 is one Dhanik Lal Mandal @ Bhutali (petitioner) against whom there are 8 FIRs under various sections of the Indian Penal code, Arms Act, N.D.P.S. Act, UPA Act, CLA Act etc. and the allegation is that they have acquired huge properties in the name of their family members. Accused No. 1 is said to be an active member of the banned outfit CPI (Maoist)- a left wing extremist organization and he along with his associates are said to have threatened and killed innocent people/security forces and they have collected levy and thereby they have acquired huge properties in the name of their family members.

4. Learned counsel appearing for the petitioner submits that the petitioner has falsely been implicated in the present case. The allegation as alleged in the FIR is false and fabricated and the petitioner has not committed any offence as alleged in the FIR and the petitioner has filed all the relevant



papers which suggests that the petitioner has purchased the land in question as well as the money received from his known source of income and the petitioner has no concern all with the extremist group as alleged in the FIR and co-accused person, namely, Gajendra Narayan, who happens to be own son-in-law of co-accused, namely, Sandeep Yadav, has been granted bail by a Coordinate Bench of this Hon'ble Court vide order dated 10.08.2022 passed in Cr. Misc. No.20587 of 2022 and the petitioner is in custody since 11.12.2020.

5. Vide order dated 24.07.2023, a report was called for with regard to the present status of the trial. Report of the learned Trial Court dated 09.08.2023 reveals that the charge has not been framed as yet.

6. Learned senior counsel for the petitioner submits that in view of the report of the learned Trial Court that there is no chance of early conclusion of the trial in near future and the petitioner is in custody since 11.12.2020 and also the similarly situated co-accused person has been granted bail by a Coordinate Bench of this Hon'ble Court.

7. Learned counsel for the Union of India, on the other hand, has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner carries ten more



cases other than the present one, as mentioned in para-3 of the supplementary affidavit.

8. Considering the aforesaid facts and period of custody, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge/Spl. Judge, Patna in connection with Special Trial No.(PMLA) 04 of 2018 in pursuance of ECIR No.PTZO/05/2017, with the following conditions:-

(I) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(II) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(III) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for



cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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