

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69939 of 2022

Arising Out of PS. Case No.-4 Year-2018 Thana- GOVERNMENT OFFICIAL COMP.
District- Patna

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INDU GUPTA Wife of Arun Kumar Resident of Flat No.-205, Shri Bhagwan Kunj Apartment, Road No.-5D, A.N. College, North Sri Krishnapuri, Boring Road, P.S.- Sri Krishnapuri, District- Patna, Pin-800013

... .. Petitioner/s

Versus

1. The Union of India through the Director of Enforcement, Govt. of India New Delhi
2. The Assistant Director, Directorate of Enforcement, Govt. of India, Patna-800001 Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Onkar Nath Mr.Ashutosh Kumar
For the U.O.I.	:	Mr.Dr.K.N. Singh, Adv. S.G. Mr.Abhay Shankar Jha

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CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR PANDEY

ORAL ORDER

5 24-04-2023 Heard learned counsel for the petitioner as well as learned APP for the State.

In this case, the petitioner is seeking regular bail in connection with Special Trial No. (PMLA) 05/2021 (arising out of ECIR No. PTZO/04/2018), registered for the offences punishable under Section 4 of PMLA Act, 2002.

As per allegation, the husband of the petitioner was the District Welfare Officer, Bhagalpur. He, along with other accused persons entered into a criminal conspiracy and misappropriated crores of government money from the account of District Welfare Officer, Bhagalpur. A huge portion of



misappropriated money was transferred through cheques in the bank accounts of the petitioner, who is his wife.

The learned counsel for the petitioner has submitted that for the same offence, CBI has lodged two cases against the petitioner and in both the cases, petitioner has been granted bail by the coordinate Benches of this Court vide Cr. Misc. Nos. 32642 of 2021 and 43695 of 2021. The Enforcement Directorate has lodged this fresh case against her under the provisions of PMLA. She is under custody since 29.10.2021. He has submitted further that provisions of Section 45 of PMLA 2002 provides special provision for the women, children and the person of age under 16. He has submitted further that the petitioner is an old lady and she should not be held responsible for the misdeed of her husband.

On the other hand, the learned counsel for the Enforcement Directorate has opposed the prayer for bail and submitted that the petitioner was also involved in the case and she has received huge amount in her bank account from Srijan Mahila Vikas Sahyog Samiti.

Considering the above-mentioned facts and circumstances, let the petitioner above-named be released on bail on furnishing bail bonds of Rs.10,000/- with two sureties



of the like amount each to the satisfaction of learned Sessions Judge/Special Judge, (PMLA), Patna in connection with Special Trial No. (PMLA) 05/2021 (arising out of ECIR No. PTZO/04/2018), subject to the following conditions:-

- (i) The petitioner shall cooperate in the disposal of trial and make himself available on each and every date of trial. In case of failure on two consecutive dates without any valid reason, the learned court below will be at liberty to cancel the bail bond of the petitioner.
- (ii) The petitioner shall cooperate in the disposal of trial and make himself available as and when required by the court.
- (iii) If the petitioner is found involved in future in the similar type of offence, the prosecution will have liberty to file an application before the court below for cancellation of the bail of the petitioner and the learned court below will take decision in accordance with law.

(Nawneet Kumar Pandey, J)

Kundan/Nirmal

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