**IN THE HIGH COURT OF JUDICATURE AT PATNA**
**Civil Writ Jurisdiction Case No.967 of 2024**

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M/s Shri Ram Galla Bhandar, a Proprietorship firm having its Principal Place of Business at Sursand, Sitamarhi, Bihar Pin Code-883324 through its Proprietor, Mr. Vijay Sah, aged about 50 Years, Male, Son of Bhuta Sah, Resident of Vishnupur, Via-Parihar, Police Station and Post- Parihar, Sitamarhi, Bihar, 883324.

... ... Petitioner/s

Versus

1. The Union of India through the Secretary, Ministry of Home Affairs, Government of India, New Delhi.
2. The State of Bihar through the Principal Secretary, Department of Home Affairs.
3. The Branch Manager, Punjab National Bank, Branch-Sursand Asli, Sursand, Sitamarhi.

... ... Respondent/s

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**Appearance :**

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| For the Petitioner/s | : | Mr. Apurv Harsh, Advocate. |
| For the Respondent/s | : | Mr. Additional Solicitor General. |
| For the Bank | : | Mr. Mritunjay Kumar, Advocate. |
| | | Mr. Ram Ganesh, Advocate. |
| | | Ms. Shilpi Singh, Advocate. |

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**CORAM: HONOURABLE MR. JUSTICE A. ABHISHEK REDDY**

**ORAL JUDGMENT**

**Date : 23-08-2024**

Heard learned counsel for the parties.

2. The present Writ Petition has been filed for the following reliefs:-

> *"(i) For issuance of appropriate Writ/s Direction/s, Order/s in the nature of mandamus for commanding the respondent authorities to unfreeze the account of the petitioner immediately.*
> *(ii) For issuance of appropriate Writ/s,*

*Direction/s, Order/s in the nature of mandamus for commanding the respondent authorities to pay adequate monetary compensation against loss of profit during suspension of said current account of the petitioner firm."*

3. It is a case of the petitioner that he is having a current account in Punjab National Bank at Branch-Sursand Asli, District-Sitamarhi having account No. 7214002100001646 in the name of his proprietorship firm M/s Shree Ram Gala Bhandar. That the account of the petitioner was frozen on 28.08.2023 without any prior intimation or show cause notice. That the petitioner on coming to know about the freezing of the account, has approached the Bank, on enquiry it was found that the current account of the petitioner was suspected by the Cyber Police, Delhi as well as the Cyber Police Station, Samastipur of involvement in some cyber case. That on the instructions of the police the account of the petitioner was frozen. Learned counsel has stated that the police informed them that on 15.03.2023 and 06.04.2023 an amount of Rs. 5 Lakhs was marked as suspected of crime and therefore freezing of the account was done. Learned counsel has

stated that because of the freezing of the account, the petitioner is being put to great hardship and he is unable to conduct his business in smooth manner. Learned counsel has, therefore, prayed this Hon'ble Court to direct official respondents to unfreeze the account of the petitioner and permit him to operate the same.

4. Per contra, the learned counsel appearing on behalf of the Respondent No. 2 has stated that based on the online complaint received by the National Cyber Crime Reporting Portal by one victim namely, Ashirwad son of Rajesh Ranjan Singh, that an amount of Rs. 9,90,000/- from his bank account has been transferred to different bank accounts from an online playing portal. That an amount of Rs. 65,000/- has been transferred from HDFC Bank Account to the South Indian Bank Account No. 0263073000289 and further an amount of Rs. 5 Lakhs was transferred from the South Indian Bank to the account of the petitioner in which the amount of Rs. 65,000/- is also included. Thereafter, the Cyber Police Station, Samastipur vide SDE No. 858/2023 dated 31.08.2023 has registered the crime and the account of the petitioner have been frozen.

5. Admittedly, as seen from the counter affidavit filed by the Respondent No. 2, it clearly transpires that an amount of Rs. 5 Lakh has been transferred to the account of the petitioner from the South Indian Bank account in which the amount of Rs. 65,000/- has been transferred from one of the victims/complainant. Even for the sake of argument, if any amount is to be recovered from the petitioner, it cannot be more than Rs. 5 Lakh, which was transferred to the account of the petitioner from the account in South Indian Bank. As on date, no F.I.R. has been registered against the petitioner arraying him as an accused in the cyber crime registered at the most the petitioner can only be accused of receiving the amounts. To what extent the involvement of the petitioner in the said cyber crime is there can only be asserted after the investigation is completed and charge-sheet is filed, for which the freezing of the account of the petitioner is not warranted.

6. Having regard to the above, this Court is of the opinion that the ends of justice would be met, if a direction is given to the bank authority to put a lien on an amount of Rs. 5 Lakh in the account of the petitioner be put

and the petitioner be allowed to operate the bank account by unfreezing the same. The present writ petition is disposed of directing the bank authorities to put a lien on Rs. 5 Lakh in the account of the petitioner and unfreez the account of the petitioner and permit the petitioner to operate the bank account. The petitioner shall cooperate with the authorities whenever called for. The said lien shall be in operation till the bank authorities receive any further instructions from the cyber police.

7. With the above directions, the present writ petition stands disposed of.

**(A. Abhishek Reddy, J)**

shakir/-

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| **AFR/NAFR** | NAFR |
| **CAV DATE** | NA |
| **Uploading Date** | 13.09.2024 |
| **Transmission Date** | NA |