

Arising Out of PS. Case No.-3 Year-2018 Thana- E.C.I.R (GOVERNMENT OFFICIAL)
District- Patna

... .. Petitioner/s

Versus

... .. Opposite Party/s

For the Petitioner/s : Mrs. Nivedita Nirvikar, Sr. Advocate
Ms.Supragya
Ms.Shashi Priya
Mr.Arya Achint
For the Opposite Party/s : Mr.K.N. Singh(A.S.G.)
Mr. Akshay Bahadur Mathur

ORAL ORDER

Heard the learned counsel for parties.

2. This is an application for regular bail on behalf of the petitioner for the offences alleged under Section 45 of the Prevention Money Laundering, 2002 (for short 'the PMLA') for commission of offence under Section 3, punishable under Section 4 of 'the PMLA' in connection with ECIR No.PTZO/03/2018 (Special Trial (PMLA) Case No.01 of 2019).

3. Co-accused Vinay Yadav @ Binay Yadav, on the basis of 46 cases, has been made accused in ECIR No.PTZO/03/2018 dated 29.03.2018 lodged by the Directorate



of Enforcement, Zonal Office, Patna (for short 'the ED') under the provisions of 'the PMLA'. There is allegation that Binay Yadav, who is an active member of the banned CPI (Maoist) group, is involved in threatening and killing of innocent people and collection of levy. Proceeds of crime have been utilized for the acquisition of various movable and immovable properties in the name of his wife Srimati Devi (the petitioner), his daughters Pooja Kumari and Poonam Kumari, his *samdhi* Saryu Yadav and son-in-law, Prem Kumar.

4. The petitioner is wife of the main accused Binay Yadav @ Vinay Yadav. There is allegation against her that during the year 2011, the petitioner acquired two immovable properties at a price of Rs.1,41,249/- and she also acquired two immovable properties in the year 2017 valued at Rs. 7,00,000/- and Rs. 7,87,000/- respectively. Those properties were in the joint name of the petitioner and her daughters.

5. The learned senior counsel for the petitioner has submitted that the petitioner is a rustic illiterate village woman and she has been made accused merely because she is the wife of the main accused Binay Yadav. Though she is wife of the accused Binay Yadav, but she has no concern with her husband or the family members of the husband since the year 2000. Not



even a petty criminal case has been lodged against her and she is a lady of fair and clean antecedents. As a matter of fact, the father-in-law of the petitioner was a teacher in Bihar Government and retired from the post of Headmaster in the year 2009. Her father-in-law earned salary and retiral benefits as well as he earned agricultural income, which were saved, resulting into handsome accumulation of the amount per year. As a matter of fact, the petitioner herself cultivated land and produced vegetables in her three *bighas* of land and from selling the said vegetables, the petitioner herself earned approximately Rs. 2.5 lacs per annum after 2010. She is also running a dairy business in her village and from that she earns more than Rs. 02 lacs per annum. It has further been submitted by the learned Sr. Counsel that as the petitioner is a rustic illiterate village women, the personnel of ED, elicited her statement by putting fear in her. Her confessional statement is not admissible in evidence. It has also been mentioned that the special provision for considering the bail of a person below 16 years of age, a woman, or a sick or infirm person has been incorporated in the proviso to Section 45(1) (ii) of 'the PMLA'.

6. On the other hand, the learned counsel for the Enforcement Directorate has opposed the prayer for bail by



submitting that under the provisions of Section 24 of 'the PMLA', it is burden on the petitioner to prove her innocence and explain her assets. He has also submitted that the petitioner has rendered her confessional statement and the confessional statement recorded under Section 50 of 'the PMLA' is admissible in evidence, to which the learned senior counsel for the petitioner replied that the confessional statement is without any basis, and it cannot be relied upon, as it is inadmissible in the eyes of law, because the petitioner is a rustic illiterate village lady and instilling fear in her, wrong statement has been elicited.

7. The petitioner is the wife of the main accused Binay Yadav. She is a lady of clean antecedent and she has given description of her assets in her bail application. She is in custody since 18.08.2023.

8. Considering the above facts and circumstances, especially the clean antecedents, 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 Special Judge, PMLA, Patna in connection with Special Trial (PMLA) Case No. 01 of 2019, arising out of ECIR No. PTZO/03/2018, subject to the condition that the petitioner shall cooperate in the disposal of trial and



make himself available as and when required by the concerned court.

(Nawneet Kumar Pandey, J)

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