

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.735 of 2024

Arising Out of PS. Case No.-35 Year-2022 Thana- ECONOMIC OFFENCES, BIHAR
District- Patna

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1. Vibha Kumari, W/o Sri Ashok Kumar Sharma, R/o Flat No. 301, Block A, Vasi Kunj Complex, Saguna More, Patna, P.O. - Danapur, P.s. - Danapur, Distt. - Patna
 2. Ashok Kumar Sharma, S/o Late Rajendra Sharma, R/o Mohalla - Pankha toli, south of Surkhi Mill, P.S. - Kazi Mohammadpur, Distt. - Muzaffarpur, Presently Residing at Flat no. 301, Block A, Vasi Kunj Complex, Saguna More, Patna, P.O. - Danapur, P.S. - Danapur, Distt. - Patna

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Gov. of Bihar, Patna Bihar
2. The Director General of Police, Bihar Patna Bihar
3. The Additional Director General of Police, Economic Offences Unit, Bihar, Patna Bihar
4. The Superintendent of Police, Economic Offences Unit, Bihar, Patna Bihar
5. The Deputy Superintendent of Police, Economic Offences Unit, Bihar, Patna Bihar
6. The Branch Manager, State Bank of India, Saguna More Branch, Danapur, Patna Bihar
7. The Branch Manager, Utkarsh Small Finance Bank, Saguna More Branch, Danapur, Patna Bihar
8. The Branch Manager, ICICI Bank, Boring Road Branch, Patna Bihar

... .. Respondent/s

with

Criminal Writ Jurisdiction Case No. 1675 of 2024

Arising Out of PS. Case No.-35 Year-2022 Thana- ECONOMIC OFFENCES, BIHAR
District- Patna

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1. Vibha Kumari, W/O Sri Ashok Kumar Sharma, R/O Village- Dharampur, P.O And P.S- Vaishali, Distt.- Vaishali At Hajipur, Presently Residing At Flat No. 301, Block-A, Vashi Kunj Complex, Saguna More, Patna, P.O- Danapur, P.S- Danapur, Distt.- Patna, The Retired Deputy Director, Higher Education, Education Department, Government Of Bihar, Patna.
 2. Ashok Kumar Sharma, S/O Late Rajendra Sharma, R/O Village- Dharampur,



P.O And P.S- Vaishali, Distt.- Vaishali At Hajipur, Presently Residing At Mohalla- Pankha Toli, South Of Surkhi Mill, P.S- Kazi Mohammadpur, Distt.- Muzaffarpur And Flat No. 301, Block -a , Vasi Kunj Complex, Saguna More, Patna, P.O- Danapur, P.S- Danapur, Distt.- Patna.

... .. Petitioner/s

Versus

1. The Union Of India Through The Directorate Of Enforcement, Govt. Of India, New Delhi. Delhi
2. The Director Of Enforcement, Room No. 327, A Block, Enforcement Building Dr. A.P.J. Abdul Kalam Road, New Delhi.
3. The Special Director (c.r.), Directorate Of Enforcement, C Block, Enforcement Building Dr. A.P.J. Abdul Kalam Road, New Delhi.
4. The Joint Director, Directorate Of Enforcement, Patna Zonal Office, Chandpura Palace, Bank Road Patna, Bihar
5. The Deputy Director, Directorate Of Enforcement, Patna Zonal Office, Chandpura Palace Bank Road, Patna.
6. Smt. Poonam Bala, Presently Posted As Assistant Director, Directorate Of Enforcement Patna Zonal Office, Chandpura Palace, Bank Road, Patna.

... .. Respondent/s

Appearance :

(In Criminal Writ Jurisdiction Case No. 735 of 2024)

For the Petitioner/s : Mr. Awnish Kumar, Advocate

For the Respondent/s : Mr. GP 17

(In Criminal Writ Jurisdiction Case No. 1675 of 2024)

For the Petitioner/s : Mr. Shashi Bhushan Kr. Manglam, Advocate

Ms. Aradhna Kamal, Advocate

For the Respondent/s : Mr. Dr. Krishna Nandan Singh (A.S.G)

For the EOU : Mr. Vishwanath Prasad Singh, Sr. Advocate

Ms. Soni Shrivastava, Advocate

CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

10 17-02-2025 1. The petitioners have come up with a prayer on the basis of supplementary affidavit filed on 23rd of September, 2024, stating, inter alia, that EOU filed FIR against the petitioners on 4th of November, 2022, alleging accumulation of



disproportionate asset. The case was subsequently taken up for investigation also by the ED. By an order dated 9th of February, 2024, two bank accounts belonging to Petitioner No. 1 and Petitioner No. 2 respectively were frozen.

2. It is submitted on behalf of the Petitioner No. 1 that Account No. 030060908734 was salary account of the Petitioner No. 1 and on the date of FIR, there was Rs. 14,378.31/- in the credit of the said account. Subsequently, during investigation of the above-mentioned cases, the Petitioner No. 1 retired from service on superannuation and she received retirement dues of a sum of Rs. 34,06,912/- being the amount of the GPF contribution and a sum of Rs. 6,63,857.81 towards salary. Thus, outstanding balance in the aforesaid account maintained in State Bank of India, Saguna More Branch is Rs. 42,72,384/-.

3. It is submitted on behalf of the Petitioner No. 1 that the amount of Rs. 14,378.31/- which was lying on the date of lodging of FIR dated 4th of November, 2022 may be directed to be frozen and the Petitioner No. 1 may be permitted to use and spend the remaining amount which is not the subject matter of the criminal case filed by the EOU and separately investigated by the EOU and the ED.

4. Similarly, it is contended on behalf of the Petitioner



No. 2 that he used to maintain Account No. 133601502280 in ICICI Bank at Ground Floor, Plot No. 6B, S. K. Puri, Sahdeo Mahto Marg, Boring Road, Patna. It is contended on behalf of the Petitioner No. 2 that on the date of FIR, he had outstanding balance of Rs. 42,489/- in the said account. Subsequently, till 11th of July, 2024, a sum of Rs. 3,70,977/- is on credit in the said bank account by way of bank transfer in the name of Petitioner No. 2. Thus, it is prayed that the Petitioner No. 2 may be allowed to use the amount lying in the bank leaving behind Rs. 42,489/- which was lying in the said account on the date of lodging of FIR.

4. The learned Senior Advocate on behalf of the EOU has not raised any objection in principle with regard to the utilization of bank amount after directing the bank authority to freeze the amount which was lying on the date of FIR.

5. The learned Advocate for the ED also submits that since the Directorate did not attach any amount, the ED does not have any objection if the petitioners' prayer is allowed.

6. In view of such circumstances, the prayer made by the petitioners in the supplementary affidavit is allowed.

7. The Petitioner No. 1 as well as SBI, Saguna More Branch is directed to not using a sum of Rs. 14,378.31/- lying in



the bank account 30060908734 in the name of Petitioner No. 1.

The rest amount may be used by the Petitioner No. 1.

8. Similarly, Petitioner No. 2 and the ICICI Bank, Ground Floor, Plot No. 6B, S. K. Puri, Sahdeo Mahto Marg, Boring Road, Patna shall not permit to use a sum of Rs. 42,489/- from Account No. 133601502280. The Petitioner No. 2 is permitted to use the rest amount of money lying in the aforesaid account.

9. The ICICI Bank will see as to whether any amount was in transit beyond Rs. 42,489/- prior to 4th of November, 2022 but credited after 4th of November, 2022 and in that case, the said amount shall also be frozen.

10. With regard to the third account and the locker, the Petitioner No. 2 is at liberty to move the Trial Court and if the Trial Court is moved, such application shall be disposed of in accordance with law without being influenced by any way on the instant order.

11. The petitioners are at liberty to take recourse of Section 25 of the PMLA and in that event the appellate authority shall pass necessary order without being influenced in any way the order passed by this Court.

12. With the above order, nothing remains in the



instant writ petition and accordingly the instant writ petition is
disposed of.

(Bibek Chaudhuri, J)

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