

**IN THE SUPREME COURT OF INDIA****CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL APPEAL NOS. OF 2024**  
**(@ SLP(CRL.) Nos.7676-7677/2024)**

**THE STATE OF BIHAR & ORS.****APPELLANT(S)****VERSUS****SUKHDANI DEVI ETC. ETC.****RESPONDENT(S)****O R D E R**

1. Leave granted.
2. The High Court in the impugned judgment was pleased to set aside the order passed by the Trial Court only on the premise that the application filed under Section 102 of the Code of Criminal Procedure, 1973 is not maintainable in view of the existence of Section 18-A of the Prevention of Corruption Act, 1988 which holds ground.
3. Both the learned counsel for the parties submitted that a similar order has been passed by this Court while dealing with the same issue in the order dated 06.09.2021 passed in Criminal Appeal No. 949 of 2021 [Arising out of SLP (Crl.) No. 2987/2021] which is as follows:-

"Leave granted.

The only question which we are examining is whether the attachment of bank account of the appellant is sustainable in exercise of powers under Section 102 Cr.P.C.

The counter affidavit of the respondent seeks to suggest that they are in the process of filing an application under Section 18A of the Prevention of Corruption Act, 1988, since the earlier authorization issued by the Government under Section 3 of the Criminal Law Amendment of Ordinance, 1944 was not in the form of the Government Order.

Be that as it may, on that account, it is not possible to sustain the freezing of the bank account of the appellant taking recourse to Section 102 Cr.P.C. as the Prevention of Corruption Act is a Code by itself.

In view of the aforesaid position, the freezing of the account of the appellant cannot be sustained and is, accordingly, set aside. Consequently, the impugned order is also set aside leaving open to the respondent to take such recourse in law as may be permissible.

The appeal is allowed.

The parties to bear their own costs."

4. Learned counsel appearing for the appellants submitted that incidentally there is another issue pertaining to the application of the Bihar Special Courts Act, 2009 to the present case. Be that as it may, we are inclined to follow the order extracted above by making it clear that it is open to the appellants either to invoke Section 18-A of the Prevention of Corruption Act, 1988 or the Bihar Special Courts Act, 2009

as the case may be.

5. Liberty is given to file an appropriate application within a period of four weeks, and in the meantime, there shall be an order of status quo with the question of law being left open.
6. The appeals are disposed of in the above terms.
7. Pending application(s), if any, shall stand disposed of.

.....J.  
[M.M. SUNDRESH]

.....J.  
[ARAVIND KUMAR]

NEW DELHI;  
14<sup>th</sup> OCTOBER, 2024

ITEM NO.56

COURT NO.12

SECTION II-A

**S U P R E M E C O U R T O F I N D I A**  
**RECORD OF PROCEEDINGS**

**Petition(s) for Special Leave to Appeal (Crl.) No(s). 7676-7677/2024**

**(Arising out of impugned final judgment and order dated 08-11-2023 in CRWJC No. 1526/2022 and in CRWJC No. 359/2023 passed by the High Court of Judicature at Patna)**

**THE STATE OF BIHAR & ORS.****Petitioner(s)****VERSUS****SUKHDANI DEVI ETC.ETC.****Respondent(s)**

**Date : 14-10-2024 These petitions were called on for hearing today.**

**CORAM : HON'BLE MR. JUSTICE M.M. SUNDRESH  
 HON'BLE MR. JUSTICE ARAVIND KUMAR**

**For Petitioner(s) Mr. Azmat Hayat Amanullah, AOR  
 Ms. Rebecca Mishra, Adv.**

**For Respondent(s) Mr. Ajit Sinha, Sr. Adv.  
 Mr. Rohit Kumar Singh, AOR  
 Mr. Shivam Sharma, Adv.  
 Mr. Akash Kumar, Adv.  
 Ms. Kanupriya Tiawri, Adv.**

**UPON hearing the counsel the Court made the following  
 O R D E R**

**Leave granted.**

**The appeals are disposed of in terms of the signed order.**

**Pending application(s), if any, shall stand disposed of.**

**(SWETA BALODI)  
 COURT MASTER (SH)**

**(POONAM VAID)  
 COURT MASTER (NSH)**

**(Signed order is placed on the file)**