

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49858 of 2015

Arising Out of PS.Case No. -220 Year- 2011 Thana -AURANGABAD TOWN District-
AURANGABAD

1. Kumkum Mishra Wife of Surendra Mishra Resident of Village -
Rudrapur, P.S.- Andhra Thadhi, District- Madhubani at present residing at
Street No. 136/K, Hospital Road, P.S.- Uttarpara, District -Hugli (West
Bengal)

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

with

Criminal Miscellaneous No.44156 of 2015

Arising Out of PS.Case No. -220 Year- 2011 Thana -AURANGABAD TOWN District-
AURANGABAD

1. Surendra Mishra S/o Mahesh Mishra Resident of Village Rudrapur,
Police Station Andhra Thadhi, District Madhubani, at present residing at
Street No. 136/K, Hospital Road, Police Station Uttarpara, District hugli
(West Bengal).

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

(In Cr.Misc. No.49858 of 2015)

For the Petitioner/s : Mr. Bimal Kumar

For the Opposite Party/s : Mr. Dasrath Mehta (App)

(In Cr.Misc. No.44156 of 2015)

For the Petitioner/s : Mr. Bimal Kumar

For the Opposite Party/s : Mr. Atul Chandra(App)

CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

2 10-11-2015 Heard Mr. Bimal Kumar in support of both the
applications and the State

Both the applications arise out of Aurangabad Town

P.S. case no. 220 of 2011 registered under Sections 420, 467, 468, 406 and 120B of the IPC and as such with the consent of the parties they have been heard together.

The petitioners are Managing Directors of the Company called OCPL which is a corporate agency of diverse insurance companies. The informant has alleged that the agents of the company received 45,000/- as first premium amount for two policies. One for himself and another for his wife. The documents from the Kotak Mahindra were received by him. When the agent came to receive the third premium, the informant grew suspicious and verified from Kotak Mahindra only to find that the 2nd premium was not deposited. In this manner it is alleged that the company of which the petitioners are alleged to be the office bearers in collusion with the agents cheated him.

It is stated that the petitioner of the Cr. Misc. 49858 of 2015 is the wife of one of the directors who is petitioner in Cr. Misc. no. 44156 of 2015. She is not directly involved. So far as the petitioner of Cr. Misc. no. 44156 of 2015 is concerned, he is not directly involved in the case as he sits in the headquarter at Kolkata and operate through the agents. Indisputably, the first premium collected from the informant was deposited whereafter the document in original was received. It has been submitted that a



kind of compromise has been entered between one of the accused being the agent as well as the informant. On the strength of the aforesaid facts another co-accused, namely Prahlad Singh has been privileged with anticipatory bail by order dated 22.6.2012 passed in Cr. Misc. no. 20378 of 2012. It is stated that for securing the privilege of anticipatory bail petitioner, namely Surendra Mishra in Cr. Misc. no. 44156 of 2015 is ready and willing to deposit the amount as directed by this Court.

Considering the above, in the event of arrest or surrender in the Court below within a period of five weeks from today, the petitioner, namely, Kumkum Mishra of Cr. Misc. no. 49858 of 2015 is directed to be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of CJM, Aurangabad in connection with Aurangabad Town P.S. case no. 220 of 2011 subject to the condition as laid down under Section 438(2) of the Cr.P.C. with the further following conditions:

(i) One of the bailers shall be the own/close family members of the petitioner.

(ii) In case of framing of charge, the petitioner shall appear in person on each and every date fixed in the Court below. In case of default in doing so on two consecutive occasions without any

cogent/satisfactory reason, the Trial Court shall have liberty to cancel the bail bond of the petitioner and secure her arrest in accordance with law.

Similarly, petitioner , namely Surendra Mishra of Cr. Misc. no. 44156 of 2015 in the event of arrest or surrender in the Court below within a period of five weeks from today, shall be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of CJM, Aurangabad in connection with Aurangabad Town P.S. case no. 220 of 2011 subject to the condition as laid down under Section 438(2) of the Cr.P.C. with the further following conditions:

(i) Along with the bail bond the petitioner must produce Bank instrument in favour of the informant in the sum of Rs. 20,000/- (Twenty thousand) and/or deposit the amount in cash with the Nazarat of the Civil Court and produce the receipt without prejudice to his right and contention in the case. The payment so made shall abide by the final decision of the case.

(ii) One of the bailers shall be the own/close family members of the petitioner.

(iii) In case of framing of charge, the petitioner shall appear in person on each and every date fixed in the Court below. In case

of default in doing so on two consecutive occasions without any cogent/satisfactory reason, the Trial Court shall have liberty to cancel the bail bond of the petitioner and secure his arrest in accordance with law.

(Kishore Kumar Mandal, J)

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