

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24083 of 2016

Arising Out of PS.Case No. -59 Year- 2011 Thana -JAMHORA District- AURANGABAD

Kumkum Mishra, Wife of Sri Surendra 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

Versus

The State of Bihar

.... Opposite Party

with

Criminal Miscellaneous No.24543 of 2016

Arising Out of PS.Case No. -59 Year- 2011 Thana -JAMHORA District- AURANGABAD

Surendra Mishra son of Mahesh Mishra, resident of Villge- 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

Versus

The State of Bihar

.... Opposite Party

Appearance :

(In Cr.Misc. No.24083 of 2016)

For the Petitioner : Mr. Bimal Kumar

For the Opposite Party : Dr. I. Kumari (App)

(In Cr.Misc. No.24543 of 2016)

For the Petitioner : Mr. Bimal Kumar

For the Opposite Party : Dr. I. Kumari (App)

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH
ORAL ORDER

6 16-08-2016 Both the petitions have been heard together and are being disposed of by a common order, since both the cases arise out of same Jamhore P.S. Case No. 59 of 2011.

Heard learned counsel for the petitioners and learned

Additional Public Prosecutor for the State.

A Complaint petition filed by the informant is the basis for registration of First Information Report under Section 156(3) of the Cr.P.C.

This application, for grant of anticipatory bail, arises out of Jamhore Police Station Case No. 59 of 2011, disclosing offences under Sections 406, 420 and 120(B) of the Indian Penal Code.

The petitioners are the husband and wife. It is alleged against them that being Directors of OCPL, they misappropriated certain amount of premium holders, in as much as the informant, after having received the said amount from the depositors had deposited the amount in OCPL Company but the OCPL Company did not issue necessary bond paper in this regard. The said OCPL Company is engaged in insurance business.

Learned Counsel appearing on behalf of the petitioners has submitted that the petitioner Kumkum Mishra is not the Director of the Company and she has been implicated only because she is the wife of Surendra Mishra, the Director of the Company. He has further submitted that the informant filed the complaint case only to save his own skin as admittedly, it was he, who had taken money from the premium holders/depositors. It has

also been argued that several cases have been lodged by other persons against the petitioners, making similar allegations. This Court has granted privilege of anticipatory bail, in most of the cases.

Considering the submission as above, this application is allowed.

Let the petitioners, Kumkum Mishra and Surendra Mishra, in the event of their arrest or surrender before the Court below within six weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Aurangabad, in connection with Jamhore Police Station Case No. 59 of 2011, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioners shall present themselves before the police/Court, as the case may be, as and when required and in the event of failure on their part to appear before the Court on two consecutive occasions, their bail bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J.)

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