

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3934 of 2017

Arising Out of PS.Case No. -258 Year- 2016 Thana -KOTWALI District- PATNA

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Vikash Kumar, son of Bhim Prasad, resident of Mohalla Nawada Ara,
Police Station-Nawada, District-Bhojpur.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Makardhwaj Upadhyay

For the Opposite Party/s : Mr. Sri Akbar Ali

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**
ORAL ORDER

2 17-02-2017 Heard the learned counsel for the petitioner as well as

the learned A.P.P. for the State.

In this application for anticipatory bail the petitioner apprehends his arrest in connection with Kotwali P.S. Case No. 258 of 2016 for the offences punishable under sections 420, 467, 468 and 471/34 of the I.P.C.

Allegedly, in the name of the deceased Sanjay Kumar Gupta policy no. 259349603 was procured on 3rd September, 2014 though Sanjay Kumar Gupta has already died on 23rd June, 2014. The policy was taken with ulterior motive to cheat and grab the insurance money and the petitioner being the ex-employee of the Max Life Insurance Company Limited has helped Mrs. Sarita Devi in obtaining the policy.



Submission is of false implication and that the policy is granted after examining the proposal by the doctor, the petitioner has unnecessarily been made party, the petitioner is neither proposer nor witness of the insurance policy, he is not the beneficiary rather beneficiary is Mrs. Sarita Devi, the petitioner at the relevant time was sales Manager and he has nothing to inspect or verify the authenticity of the person because the proposal comes from the authorized agent being processed by the declarent and the declaration of the declarent being witnessed by the proposer and witnessed by the witness, the petitioner was unaware to any misadventure by Mrs. Sarita Devi in association with another to cheat the company, the case has been lodged after delay of about 22 months naming the petitioner as well, there is no allegation of any commission on the part of the petitioner, written application was prepared on 30.04.2016, whereas, it was submitted before the police on 01.06.2016 after delay of two months, no wrongful loss has been done to the insurance company, the petitioner was promoted to the post of Development Officer in the company, however, he resigned from the said post on 01.09.2015 for better accommodation, the company has issued reliving letter on 01.09.2015 with full and final settlement break up sheet making no complaint whatsoever against the petitioner and as such the



petitioner deserves sympathetic consideration.

The learned A.P.P. opposes prayer for pre-arrest bail of the petitioner by submitting that against the petitioner also there is allegation for making conspiracy with Mrs. Sarita Devi.

In the facts and circumstances as stated above, considering that against the petitioner there is no specific allegation and as such the petitioner, in case of his arrest or surrender within four weeks from the date of receipt/production of a copy of this order shall 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. C.J.M. Patna in connection with above mentioned case, subject to the conditions as laid down in section 438 (2) of the Cr.P.C.

(Jitendra Mohan Sharma, J)

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