

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18826 of 2018

Arising Out of P.S.Case No. -193 Year- 2015 Thana -PALASI District- ARRARIA

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Md. Hashnain Ahmad @ Md. Hasnain Ahmad S/o Md. Jaharul Haque, R/o
Village- Farsadangi, P.S.- Palasi, District- Araria.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Rana, Advocate

For the Opposite Party/s : Mr. Akhileshwar Dayal, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL ORDER

3 03-05-2018

Heard.

The petitioner apprehend arrest in connection with Palasi
P.S.Case No.193 of 2015 pending in the Court of ACJM-VI,
Araria registered for an offence under section 420 and other allied
Sections of the IPC.

The case has been registered on the basis of written
report of legal partner of M/S Stanfords Legal Kolkata under the
authority of reliance Life Insurance Company. It is alleged that a
Life Insurance Policy bearing No.13529169 was created in the
name of Jainul Haque, son of Md. Yunus for an amount of
Rs.79310 and against the said policy an amount of Rs.6705/-
was deposited as its first premium. In course of enquiry, the
company found that the said Jainul Haque had died on 23.06.2012
and on the basis of his death certificate, the amount was given to
the nominee of deceased under death claim policy no.013514885.



Accordingly, the case was registered against the widow and son of deceased for the offence under Sections 465, 466, 471, 468, 420 and 120B of the IPC.

Learned counsel for the petitioner submits that the petitioner is neither the heirs of the deceased nor the employee of the Insurance Company. He is a sub agent working under the agent of Insurance Company. He had or has no role in opening the new policy in the name of the deceased and so no criminal offence is made out against the petitioner.

The learned APP opposed the submissions.

On perusal of case diary, it appears that this petitioner is sub agent and he in collusion with an agent of company manufactured a death certificate without any knowledge to the heirs of policy holder and obtained the death claim benefit by forging the signature of the claimants. It further appears that the said Jainul Haque is still alive.

Considering the allegation of obtaining death benefit on the basis of forged fabricated death certificate of policy holder by this petitioner, I am not inclined to grant the anticipatory bail of the petitioner. The prayer for anticipatory bail is rejected.

(Sanjay Kumar, J)

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