

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71126 of 2019

Arising Out of PS. Case No.-331 Year-2018 Thana- MITHANPURA District- Muzaffarpur

SILPI SHWATI D/o Vinod Kumar Pandey Resident of Village - Mishra Toli,
Gannipur, P.S.- Kazimohammadpur, Distt.- Muzaffarpur, Permanent address
Resident of Village - Arwa Kothi, Nagra, P.S.- Khaira, Distt.- Saran.
... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar, Advocate

For the Opposite Party/s : Mr.Chandra Sen Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 18-12-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner in this case is seeking anticipatory bail
in connection with Mithanpura P.S. Case No. 331 of 2018
registered for the offences punishable under Sections 419, 420,
467, 468, 471, 472, 120(b) and 34 of the Indian Penal Code.

Learned counsel for the petitioner submits that the
petitioner is a female on whose name agency code was taken
and the petitioner was residing outside and the insurance
business was being done by the Development Officer who is the
team leader of the Agents. It is further submitted that the policy
proposal was checked by the Development Officer but the
policy proposal submitted of a dead person was identified and
no money has been paid to the nominee of the policy or the



policy holder and as such no financial loss has been caused to the Insurance Company.

Learned APP for the State has opposed the prayer of anticipatory bail.

Considering the facts and circumstances of the case wherein it is the submission of learned counsel for the petitioner that although the agency code was taken in the name of this petitioner who is a female and residing outside but the insurance business was being done by the Development Officer who is the leader of the team of Agents and is ultimately responsible to check all the proposals as also that the fact that the policy proposal submitted of a dead person was identified and the same was cancelled and no money has been paid to the nominee of the policy or the policy holder and thereby no financial loss has been caused to the Insurance Company, further submission that the contract of insurance is *uberrima fide* based on the principle of utmost good faith and the petitioner being a female, let the petitioner above named in the event of her arrest or surrender within a period of four weeks from today in connection with Mithanpura P.S. Case No. 331 of 2018 be released on bail on furnishing of bail bond of Rs. 15,000/- (fifteen thousand) with two sureties of the like amount each to the satisfaction of



learned S.D.J.M., Muzaffarpur, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C. i.e.

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court.

(Rajeev Ranjan Prasad, J)

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