IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7165 of 2020

Arising Out of PS. Case No.-74 Year-2016 Thana- MUNGER MUFFASIL District- Munger

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Anmol Jha, Son of Shri Dinesh Jha, Resident of Village - Soha, P.S.- Sonbarsa Raj, Distt.- Saharsa

... ... Petitioner/s

Versus

The State Of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr.Ashok Kumar Jha, Advocate
For the Opposite Party/s : Mr.Bharat Lal, APP

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL ORDER

3 01-07-2020 Since as of now the Courts have not resumed normal physical hearing, the matter has been listed today for consideration through video conferencing.

The learned counsels are appearing and making submissions from their residence. The Court Master and Secretary are also part of this virtual Court proceedings from their homes, all with the aid of audio visual technology.

Heard learned counsel for the petitioner and the learned APP for the State.

The petitioner is apprehending his arrest in connection with Muffasil P.S. Case No.74 of 2016 registered for the offence punishable under Sections 406, 419, 420, 467, 468, 471 and 120B of the Indian Penal Code.

The informant-Chief Branch Manager, Life Insurance

Corporation of India, Munger Branch has made a written complaint to the S.H.O. alleging that one Anand Mohan Thakur is a policy holder of the L.I.C. and he has complained that Rs.4,10,306/- has been withdrawn from his account by practising fraud. Further, a loan for an amount of Rs.2,20,000/- has been issued from the L.I.C. in favour of one other policy holder, namely, Raj Kumar Mishra, against his policy and the said amount is deposited to his Allahabad Account No.500896754 by NEFT, but the said Raj Kumar Mishra has complained that he has not taken the loan against the said policy and some unknown person has fraudulently withdrawn the money against his policy.

It is submitted by the petitioner's counsel that the petitioner is not named in the F.I.R. and he has been falsely implicated in this case merely on suspicion. One Sunil Kumar Sinha is the agent of Sri Anand Mohan Thakur and the present petitioner is the Agent of Raj Kumar Mishra. The petitioner is in no way connected with the alleged withdrawal of the amount. The officials of the L.I.C. are responsible and answerable as to how the loan has been sanctioned and the amount has been transferred to the account of one Dhivendra Singh through the NEFT as there is prior requirement to fill up the form for sending the amount through NEFT. It is further submitted that petitioner is a poor Agent of the L.I.C. and wandering door to door to eke out his living.

Learned APP for the State has opposed the prayer for pre-arrest bail submitting that it is a case of forgery.

Considering the rival submissions, this Court is inclined to allow the petitioner's prayer for anticipatory bail.

Accordingly, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of four weeks from today, 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 Shri Nand Kishore Ram, learned Chief Judicial Magistrate, Munger, in connection with Muffasil P.S. Case No.74 of 2016, subject to the conditions as laid down in Section 438(2) of the Code of Criminal Procedure as also subject to the following conditions:

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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