

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8143 of 2021

Arising Out of PS. Case No.-123 Year-2019 Thana- CHAUTHAM District- Khagaria

Rakesh Kumar @ Rakesh Kumar Mandal, Son of Narayan Mandal, Resident of Village - Bhutauli Malpa, P.S. Chautham, Dist.- Khagaria.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner	:	Ms. Puja Kumari, Advocate
		Mr. Shekhar Kumar Singh, Advocate
For the Opposite Party	:	Mr. Akhileshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 01-12-2021 Heard Ms. Puja Kumari, learned counsel for the petitioner and Mr. Akhileshwar Dayal, learned APP for the State.

The petitioner, in the present case, is seeking pre-arrest bail in connection with Chautham P.S. Case No. 123 of 2019 registered under Sections 120B, 406, 467, 468, 471, 472, 34 of the Indian Penal Code. He has no criminal antecedent as stated in paragraph '3' of the application.

The First Information Report has been lodged by the Branch Manager of Bajaj Allianz Life Insurance Company Limited, in which it is alleged that one Deo Nandan Kumar had purchased a life insurance policy for a sum of Rs. 10,37,000/-. It is alleged that one Rakesh Kumar who was brother of the assured has been made nominee under the insurance policy. Soon after commencement of the policy, a death intimation of the life assured was sent to the Company, however, in course of the inquiry into



the genuineness of the death claim, it was found that there was a conspiracy to play a fraud upon the Insurance Company and hence the death claim was rejected.

Learned counsel for the petitioner submits that this petitioner has been made accused only because he has been shown a nominee under the policy. It is his submission that the policy was effected through an agent of the Insurance Company and it is the agent of the Company who introduces the life assured by categorically furnishing his source of information about the proposer.

Learned counsel further submits that in the present case the life assured Deo Nandan Kumar is still alive and the death claim, if any, which was claimed, has already been rejected by the Insurance Company, therefore, no loss has been caused to the Company.

Learned A.P.P. for the State has though opposed the prayer for pre-arrest bail of the petitioner, but considering the facts and circumstances of the case particularly that there is no allegation that this petitioner had induced the agent of the Company to effect a policy on the life of his brother Deo Nandan Kumar and further that it is the duty of an agent of the Insurance Company to introduce the proposer and then the death claim raised in this case has already been rejected, in the nature of the



accusation, this court is inclined to direct that in the event of his arrest or surrender within a period of four weeks from today, let the petitioner above-named be enlarged on bail on furnishing of bail bond of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of Sri Satish Mani Tripathi, learned Judicial Magistrate - 1st Class, Khagaria in connection with Chautham P.S. Case No. 123 of 2019, corresponding to G.R. No. 1464/2019, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

This application stands allowed.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

