IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3509 of 2022

Arising Out of PS. Case No.-143 Year-2021 Thana- LAHERIMUHALLA District- Nalanda

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Mithilesh Singh, aged about 60 years (Male), Son of Late Mathura Singh, Resident of Village - Sipaha, P.S.- Deepnagar, Distt.- Nalanda.

... ... Petitioner

Versus

1. The State of Bihar.
2. Sri Suresh Kumar Sanee, at present Chief Manager, L.I.C. of India, at Biharsharif Branch, District and Town-Bihar Sarif (Nalanda), Bihar. Permanent Address- House No. 280, Sector 3, Urban Estate, Kuruchetra, P.S. Pipli, District-Kuruchetra, Haryana.

... ... Opposite Party/s

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Appearance :

For the Petitioner	:	Mr. N.K. Agrawal, Sr. Advocate and Mr. Anil Kumar Roy,Advocate
For the O.P. No. 2	:	M/S. Rakesh Kumar, Rajni Kant Singh and Manish Kumar, Advocates
For the State	:	Mr. Narsingh Tanti, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

17 07-12-2023 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, if any, within a period of three weeks from today.

2. Heard learned senior counsel for the petitioner, learned counsel for the opposite party no. 2 and learned Additional Public Prosecutor for the State.

3. The petitioner is apprehending his arrest in

connection with Laheri P.S. Case No. 143 of 2021, dated 04.04.2021 for the offence punishable under Sections 419, 420, 467, 468/34 and 120B of the Indian Penal Code.

4. As per the prosecution case, it is alleged that one Sunil Kumar had a Term Insurance Policy No. 847679979 of Rs. 15,00,000/- dated 18.12.2016 which was to be matured on 28.12.2031 in which his wife Sabi Devi was made nominee. After his death, all the documents have been duly verified, attested and witnesses were deposed in the office of L.I.C. for his death claim. It is further alleged that on the basis of the order dated 27.11.2020, passed by competent authority, Rs. 15,00,000/- was transferred in the Bank A/C No. 69880100013703 of Sabi Devi. On 22.01.2021, the Manager of Bihar Gramin Bank informed that two persons are making the death claim. During inquiry, it came to light that the accused-petitioner Mithilesh Singh, Agent Code-07624522 is the agent of the said policy and all the relevant documents were produced by him and the same was duly signed by nominee, agent and Development Manager and subsequently the claimed amount of Rs. 15,00,000/- was withdrawn with the co-

operation of the concerned Bank. It is further alleged that Anil Kumar, S/O Rupam Mahto is the master mind in the whole game and the same was done under conspiracy with Mithilesh Singh (petitioner). Apart from that it is further alleged that illegal game has been practiced in the following policies.

Policy No.	Name	Address	Age	Policy Amt.
847679979	Sunil Kr.	S/O Sri Om Prakash	39	15,00,000/-
595783582	Indal Paswan	S/O Ramashish	32	2,00,000/-
528158829	Tuntun Ram	S/O Sri Balak Ram	43	2,00,000/-
559833901	Reena Devi	Previous W/O Anil Kr.	38	4,38,850/-
595781642	Ramavtar Mahto	S/O Suraj Mahto	51	2,00,000/-
595781641	Ramavtar Mahto	S/O Suraj Mahto	51	1,40,000/-
559902748	Anil Kr.	S/O Rupam Mahto	43	4,83,150/-
595781958	Sharmila Devi	S/O Prv. W/O Rupam	51	2,00,000/-
829240103	Amardeep Kr.	S/O Anil Kr.		10,00,000/-
847744800	Jitendra Kr.	S/O Late Munarik	31	15,00,000/-
829087126	Vijay Mistry	S/O Bhaju Mistri	36	10,00,000/-
829360567	Gulabi Devi	W/O Sri Kapildev Mahto	54	3,00,000/-

It is further alleged that Anil Kumar, H/O Rina Devi willingly received Rs. 4,38, 850/- on 21.06.2019 as death claim of Rina Devi though Rina Devi is alive and Anil Kumar had submitted document. It is also alleged that the age of Indal Paswan and Tuntun Ram, Policy Holder of Policy No. 595783582 and 528158829 respectively were not carefully entered on the form and death claims were obtained on the basis of forged paper showing false age, though no person of the aforesaid age and name is present.

5. Learned senior counsel for the petitioner has

submitted that the petitioner is innocent and has been falsely implicated in this case. The petitioner is an agent of L.I.C. for the last twenty years and till today no complaint has been made against him. It is submitted that after death of Sunil Kumar, Policy Holder No. 847679979, his nominee Sabi Devi prepared the death claim application which was carefully verified by the petitioner and put his signature on it. From perusal of the confidential report of the petitioner being an agent, it appears that the petitioner had also informed by some co-villagers that Sunil Kumar, policy holder, had died due to road accident. Thereafter, he personally enquired and verified the F.I.R., death certificate, passbook of nominee Sabi Devi then he signed on the claim form and also gave confidential report although he has not saw the dead body of Sunil Kumar rather it is the duty of police or L.I.C. to enquire the truthness of death of policy holder. Learned counsel has referred to para 5 of the reply to the counter affidavit dated 02.01.2023 and submitted that prior to filing of the present case, the petitioner himself filed an application before the Senior Manager, L.I.C. Biharshariff on 25.01.2021 at 10.30 A.M., for seizure of Rs.

15,00,000/- which is death claim of Late Sunil Kumar. Thereafter, on the same day, a letter was given to the petitioner by him to submit a complete list of all policies that were done by him and in obedience to the aforesaid letter, the petitioner furnished a detailed report regarding the policies done by him. As far as other allegations levelled against the petitioner are concerned, the same are totally false and concocted. Further, learned counsel for the petitioner has pointed out at para 10 of the 2nd reply of the counter affidavit dated 27.02.2023, by submitting that L.I.C. has been wrongly stated that crores of rupees has been defalcated by the petitioner. It is further submitted that the amount of embezzlement done by the petitioner is not mentioned in the F.I.R. Moreover, there is a general and omnibus allegation against the petitioner. The petitioner has clean antecedent as stated in paragraph no. 3 of the bail application.

6. Learned A.P.P. for the State and learned counsel for the opposite party no. 2 have opposed the prayer for anticipatory bail of the petitioner.

7. Learned counsel counsel for the opposite party

no. 2 (L.I.C. of India) has filed counter affidavit on 16.12.2022, in which it was mentioned that the petitioner and Anil Kumar were engaged in purchasing different policies on the basis of forged and fabricated documents, later on, the three life assured were neither found alive nor had any existence. In para 10, it has been mentioned that total amount of defalcation has been ascertained to be Rs. 1,11,46,300/-, and many more policies are under investigation. Further, in para 12, it has been mentioned that in connection with the said four policies, Rs. 15,00,000/- lakhs has been recovered out of Rs. 27,72,609/-.

8. Considering the aforesaid facts and circumstances of the case as well as finding some merit in the contention of learned counsel for the petitioner and the allegation being general and omnibus against the petitioner, let the above named petitioner, in the event of his arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail bond of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Biharsharif at Nalanda, in connection with

Laheri P.S. Case No. 143 of 2021, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure with further condition:-

(I) The petitioner is directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bonds of the petitioner are liable to be cancelled.

9. The application stands allowed.

(Chandra Prakash Singh, J)

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