

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59577 of 2024

Arising Out of PS. Case No.-2982 Year-2010 Thana- WEST CHAMPARAN COMPLAINT
District- West Champaran

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Kundan Kumar Son of Wakil Prasad Chaurasia @ Wakil Mandal @ Wakil Mandal Resident of Vill.- Gochhari Post- Gopalpur, P. S. MaheshKut, District- Khagaria, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Kumar Sameer Son of Harinarayan Prasad Resident of Vill.- Gudara Post- Gudara, P. S.- Majhauriya, District- West Champaran, Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rana Vikram Singh, Advocate
For the Opposite Party/s : Mr.Tarun Prasad Mandal, APP

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 11-09-2024 Heard Mr. Rana Vikram Singh, learned counsel

appearing on behalf of the petitioner and Mr. Tarun Prasad

Mandal, learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection
with Complaint Case No. 2982/2010 registered for the
offence(s) punishable under Sections 420, 406 and 120 B of the
Indian Penal Code.

3. As per the complaint, the allegation against the
accused persons is that they are running Shambhavi Jan Kalyan
Sansthan, which is engaged in life insurance by facilitating
scheme of Life Insurance Corporation of India (L.I.C.). One
Laxmi Niwas Singh told the complainant that under the
scheme, one has to pay Rs.211/- as premium and in case of



natural death, policy holder will get Rs.30,000/- and in case of accidental death, policy holder will get Rs.75,000/-. On such false assurance given by the said Laxmi Niwas Singh, the complainant has insured around 650 persons. The complainant has further alleged that when he approached the Shambhavi Jan Kalyan Sansthan for claiming the amount of policy holder, the said Sansthan always made excuses and later on, he came to know that the said Sansthan has duped around 650 persons.

4. Learned counsel appearing on behalf of the petitioner, one of the co-accused, submitted that petitioner is nowhere connected with said Laxmi Niwas Singh, who has allegedly deceived the complainant and petitioner is even not connected in any manner with the complainant. However, it is the complainant, who can be made responsible for deceiving 650 innocent people on false assurance that he is an agent of LIC. Petitioner has clean antecedent. On these grounds, petitioner seeks to be released on pre-arrest bail, as no case is made out against the petitioner from very perusal of the complaint.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

6. Having considered the rival submissions made on



behalf of the parties, as well as, on perusal of the complaint, I find that there is no allegation against the petitioner that he in any manner has duped 650 innocent people or the complainant, who has admitted himself that co-accused Laxmi Niwas Singh has made him agent and without understanding the manner, in which the racket is being run by Laxmi Niwas Singh, he had been able to convince 650 innocent people to purchase policy, duly sold by him on behalf of one Shambhavi Jan Kalyan Sansthan, running fraudulently to facilitate scheme of LIC. I am of the opinion that petitioner has, prima facie, made out a case to be released on pre-arrest bail.

7. The petitioner, above named, is directed to be released on pre-arrest bail, in the event of his arrest or surrender before the learned District Court within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned CJM, Bettiah, West Champaran in connection with Complaint Case No. 2982/2010, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Purnendu Singh, J)

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