

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35535 of 2015

Arising Out of PS.Case No. -91 Year- 2015 Thana -WARSALIGANJ District- NAWADA

Sanjay Kumar, Son of Geeta Prasad Singh, resident of village -Mafi , Police Station- Warsliganj, District Nawada.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The District Manager, Bihar State Food & Civil Supplies Corporation, Nawada.

.... Opposite Party/s

Appearance :

For the Petitioner : Mr. Sumit Kumar, Advocate
For the S t a t e : Mr. Mustaque Alam(APP)
For the BSFC : Mr. Shailendra Kumar Singh, Advocate

CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

2 13-08-2015 Heard learned counsel for the petitioner and the learned counsel for the Bihar State Food Corporation as well as the learned counsel for the State.

The petitioner is apprehending his arrest in connection with Warsliganj P.S. Case No.91 of 2015 for allegedly having committed the offences under Sections 406, 409 and 420/34 of the Indian Penal Code.

Learned counsel for the petitioner submits that though there is an alleged demand against the petitioner of Rs.2,14,21,914.43, the petitioner had already deposited Rs.40,00,000/- earlier in pursuance of the order passed by this Court in C.W.J.C. No.9993 of 2014. Learned counsel for the

Bihar State Food Corporation submits that these amounts, as deposited by the petitioner, would henceforth be treated to have been deducted as against the actual demand.

Learned counsel for the petitioner has also brought on record an order dated 13.3.2015 in Request Case No.12 of 2014 passed by a Bench of this Court, by which, after contest, the case was disposed of directing that the disputes between the petitioner and the respondent be resolved in terms of the agreement dated 4.2.2013 and the matter be referred for arbitration to the District Collector, Nawada in terms of Clause 16 of the Agreement.

It has been submitted by the learned counsel for the petitioner that though the State Food Corporation has filed a detailed counter affidavit, they have been held to be bound by the terms of agreement and, therefore, the petitioner and the State Food Corporation must subject themselves to the claim/counter-claim before the Arbitrator as directed by this Court.

Considering the aforementioned submission that the matter has now been referred to the Arbitrator and the said is pending resolution, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period

of three weeks from the date of receipt/production of a copy of this order, 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 the learned Chief Judicial Magistrate, Nawada, in connection with Warsliganj P.S. Case No.91 of 2015, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Anjana Mishra, J)

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