

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45292 of 2018

Arising Out of PS. Case No.-2140 Year-2017 Thana- PATNA COMPLAINT CASE District-
Patna

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1. Tarun Singla, Son of Roshan Lal Singla, Resident of Village/Mohalla- C-11/45, Sector-3, Rohini, P.S.- Rohni, Delhi- 110085.
 2. Prashant @ Prashant Kumar, Son of Mahesh Prasad, Resident of Village/Mohalla- E- 20/180, Sector-3, Rohini, P.S.- Rohni, Delhi- 110085. Both partners of M/s Jai Pharmaceuticals, having office at shop no.5 and 6, 1st Floor, Rama Market, Pitampura, Delhi- 110034.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Ravi Kumar, Son of Sushil Kumar Sinha, Resident of Mohalla- Harendra Villa, P.S.- Gardanibag, District- Patna. M/s Stave Pharmaceuticals Private Ltd. and M/s Walrus Life Science Private Limited, E- 21, 2nd Floor, Krishna Apartment, P.S.- Shrikrishnapuri, District- Patna.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vinod Shanker Modi, Advocate
For the Opposite Party/s : Mr. Nityanand, APP

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 23-08-2018 Heard learned counsel for the petitioners, learned
counsel for the informant and the State.

The petitioners apprehend arrest in Complaint Case
No. 2140(C) of 2017 instituted for the offence under Section
406 of the IPC.



Counsel for the petitioners has submitted that the entire allegation made in the complaint is civil in nature and relate to commercial transaction. It has been further submitted that in terms of clause 27 of terms and conditions of agreement between the parties, any dispute with relation to this agreement shall be finally settled by arbitration proceedings, under Indian Arbitration and Conciliation Act, 1996.

As per agreement, complainant has supplied various products to petitioners as contained in complaint petition for marketing on various dates. The petitioner has returned few products but some products are yet to be returned. The petitioner did not settle the account despite several calls and mails sent by complainant. The petitioner has misappropriated approximately the amount of Rs. 30 lac.

Learned counsel for the petitioners submits that clause 27 of the agreement specifically speak about arbitration clause for redressal of such dispute between the parties. The petitioners also deny about misappropriation of Rs. 30 lac.

Learned counsel for the complainant has filed counter affidavit mentioning, therein, that there is dues of Rs. 30,00000/-.



In such circumstances, prayer for anticipatory bail is allowed and it is ordered that the petitioners, named above, in the event of his arrest or surrender in the court below within six weeks from the date of receipt/production of copy of this order, shall be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each in connection with Complaint Case No. 2140(C) of 2017 to the satisfaction of the learned Additional Chief Judicial Magistrate, Patna-cum-Special Judge, C.B.I.-I, Patna, subject to condition as laid down u/S 438 (2) of the Cr. P.C. with further conditions (1) (bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioners shall cooperate in the trial and shall be present on each and every dated fixed by the court and absence on two consecutive dates without proper and reasonable reason, will automatically cancel bail bonds of the petitioners and (3) if the petitioners tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioners.

(Sanjay Priya, J)

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