

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.27988 of 2022**

Arising Out of PS. Case No.-507 Year-2021 Thana- VAISHALI District- Vaishali

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PANKAJ SINGH @ PANKAJ KUMAR Son of Late Shubh Narayan Singh  
Resident of Village - Indira Niwas , Bagdulhan, Old D.A.V. School Hajipur,  
Hajipur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Aditya Raman Son of Not Known Presently Authorized representative of  
M/s. Mosiac India pvt. Ltd , House no.8, North Krishnapuri, Boring road,  
Dist.- Patna.

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Pankaj Kumar Sinha  
For the Opposite Party/s : Mr.Parmeshwar Mehta

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH**  
**ORAL ORDER**

2      22-09-2022                      Heard learned counsel for the parties.

The petitioner apprehends his arrest in a case registered for the offence under Section 406, 420 of the Indian Penal Code and Section 7 of the E.C.Act.

As per the prosecution case, on 01.06.2020, an agreement was made between the informant's company M/s Mosiac India Pvt. Limited and M/s Growing India & company and Smt. Samridhi Kumari, the proprietor of M/s Growing Indian & company was appointed as agent for storage of fertilizer. The work of M/s Growing was done by this petitioner, who is husband of Smt. Samridhi Kumari, and it is alleged that both these persons, in connivance with their associates, under a



criminal conspiracy displaced 1333.90 M.T. Potash from the go-down and sold the same illegally in black market causing loss to the tune of Rs. 3,08,79,785/- to the informant's company.

It is submitted on behalf of petitioner that as per terms and conditions of clause 22(i), 22(ii) and 22(iii) of the agreement of Ware-housing and Holding agreement dated 1<sup>st</sup> June 2021 and in the agreement itself in article 22, the arbitration clause has been incorporated which clearly says that any dispute or difference between the parties will be referred to arbitration. It is further submitted that no misappropriation has been committed by the petitioner, rather the informant himself has violated the terms and conditions and only to harass and put pressure, this false and concocted case has been lodged against petitioner.

However, learned counsel for the informant has vehemently opposed the prayer for anticipatory bail.

Considering the aforesaid facts and circumstances as well as arbitration clause of agreement between the parties, the prayer for anticipatory bail is allowed. In the event of arrest/surrender within a period of six weeks from today, let the above named petitioner be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like



amount each to the satisfaction of learned C.J.M., Vaishali at Hajipur in connection with Vaishali (Belsar OP) P.S. Case No. 507 of 2021, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

**(Prabhat Kumar Singh, J)**

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