

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58130 of 2017

Arising Out of PS. Case No.-7 Year-2016 Thana- BHAPTIAHI District- Supaul

Binod Kumar Mehta son of Late Jagat Narayan Mehta, resident of Village-
Baisa, P.S.- Bhaptihai, District- Supaul.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shashi Bhushan Kumar, Advocate

For the Opposite Party/s : Mr. Ram Naresh Ray, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 14-12-2023 1. Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The present quashing application has been filed seeking quashing of part of the order dated 31.03.2016 passed by the learned Sessions Judge, Supaul in A.B.P. No. 123 of 2016 whereby anticipatory bail was granted to the petitioner in Bhupatiyahi P.S. Case No. 07 of 2016 with certain conditions.

3. Learned counsel for the petitioner submits that the conditions, so imposed at the time of grant of anticipatory bail, appears to be impractical and excessive. It is further submitted that the third condition of the order dated 31.03.2026 in A.B.P. No. 123 of 2016 is that the petitioner shall deposit 20% of the alleged due amount in three installments in a period of six months and rest of the amount in one year, failing which the learned court below will be free to cancel his bail bonds.



4. Learned counsel for the petitioner next submits that he has complied with the first part of the direction of the learned Sessions Judge, Supaul by depositing 20% of the alleged due amount in three installments. It is further submitted that the dispute which gave rise to the FIR was also sent for arbitration and in the arbitration proceeding, the learned Arbitrator has given Award in favour of the petitioner, as such, some money of the petitioner stands due which is to be paid by the B.S.F.C.

5. Learned counsel thus submits that since in the arbitration proceeding the Award has been given in favour of the petitioner, as such, the third condition which incorporates that rest of the amount shall be paid in one year, failing which the learned trial court will be free to cancel his bail bonds appears to be excessive.

6. Learned counsel today in the Court files a supplementary affidavit on behalf of the petitioner which is taken on record.

7. Learned counsel placing reliance on para 4 of the supplementary affidavit submits that this Court vide orders dated 08.11.2017 and 01.08.2018 passed in Request Case No. 215 of 2017 appointed Hon'ble Mr. Justice R.K. Dutta (Retd.) Judge of this Court as sole Arbitrator to resolve the issue and the Sole Arbitrator after hearing the parties passed an Award in favour of



the petitioner and directed the B.S.F.C. to pay an amount of Rs.14,02,843/- to the petitioner as would be evident from Annexures 12 and 13 to the supplementary affidavit.

8. Learned A.P.P. for the State is not in a position to rebut the submissions of the learned counsel for the petitioner.

9. Considering the submissions made by the learned counsel for the petitioner and specially in view of the fact that in the arbitration proceeding the learned Arbitrator has directed B.S.F.C. to pay an amount of Rs.14,02,843/- to the petitioner as such the third condition imposed by the learned Sessions Judge, Supaul while granting anticipatory bail to the petitioner by order dated 31.03.2016 appears to be excessive and redundant. Learned counsel for the petitioner very fairly submitted that the amount which he deposited in compliance of the order dated 31.03.2016 in A.B.P. No. 123 of 2016 has already been adjusted by the learned Arbitrator while giving the Award, as such, the third condition imposed by the learned Sessions Judge, Supaul while granting anticipatory bail is hereby stuck off.

10. Accordingly, this application stands allowed.

(Satyavrat Verma, J)

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