

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24197 of 2015

Arising Out of PS.Case No. -186 Year- 2014 Thana -RAGHUNATHPUR District- SIWAN

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1. Amarnath Pandey Son of Baliram Pandey Resident of village Harnathpur,
P.S. Raghunathpur, District- Siwan

.... Petitioner/s

Versus

1. The State of Bihar.
2. Bihar State Food and Civil Supply Corporation Limited, Siwan.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Naresh Dikshit
For the Opposite Party/s : Mr. Ashok Kr.Singh(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 20-07-2015 Heard learned counsels for the petitioner and the State.

The petitioner being a rice miller is in custody since 25.2.2015 in a case registered for the offences punishable under Sections 403,406,420,421 and 424 of the Indian Penal Code.

The prosecution case is that Siwan unit of Bihar State Food and Civil Supplies Corporation supplied 4740 quintals of paddy to the petitioner being rice miller under an agreement during the agricultural years 2012-13 and the petitioner was supposed to supply 3175.80 quintals of processed rice. The petitioner supplied only 1672.60 quintals of processed rice and failed to supply 1553.50 quintals of processed rice worth Rs.33,64,188/-.

It is submitted by the learned counsel for the petitioner that more than fifty percent of the processed rice, which the petitioner was supposed to supply, has been supplied and rest of the rice could not be supplied due to apathetic attitude of the officials of the Bihar State Food and Civil Supplies Corporation.

It is submitted by learned counsel for the BSFC that the petitioner failed to make supply within time frame i.e. 31.12.2013 and under agreement the due amount was supposed to be realized by initiating certificate proceeding under the provision of Bihar and Orissa Public Demands Recovery Act,1914 or through arbitration. The BSFC has already initiated legal proceeding being certificate case no. 14 of 2014-15.

Considering the fact that the petitioner is languishing in custody since about six months and as submitted by learned counsel for the petitioner that the petitioner will deposit 10% of the alleged due amount through bank draft in favour of State Food and Civil Supplies Corporation within six months, let the above named petitioner 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 learned CJM, Siwan in connection with Raghunathpur P.S. Case No. 186 of 2014

The aforesaid deposit will not be treated to be an

admission of the petitioner with regard to the claim of the informant but the same will be subject to the certificate proceeding or any legal proceeding.

In case of non-submission of 10% of the due amount through bank draft within six months in favour of the Bihar State Food and Civil Supplies, Corporation, Patna, the informant will have the liberty to file appropriate application for cancellation of bail.

(Dinesh Kumar Singh, J)

Anil/-

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