

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13627 of 2015

Arising Out of PS.Case No. -20 Year- 2014 Thana -MADHUBANI TOWN District- MADHUBANI

1. Bharat Purvey Son of Sri Shambhu Purvey resident of Village-
Madhwapur, P.s.- Madhwapur, District- Madhubani.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Thakur, Adv.
Mr. Nilesh Kumar
For the BSFC : Mr. R.S. Pradhan, Sr. Adv.
Mr. Amrendra Narayan Rai, Adv.

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 12-05-2015

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 406, 409 and 420 of the Indian Penal Code.

The petitioner being the miller was supplied 7083.94 quintals of paddy by State Food Corporation, Madhubani Unit against which the petitioner was to supply 4746.23.980 quintals of C.M.R. rice but only 3501.33 quintals rice were supplied and thereby the petitioner misappropriate 1244.90.980 quintals rice worth Rs. 23,69,225/- out of which ₹4,50,000/- has been deposited by the petitioner.

It is submitted by learned counsel for the petitioner that as per the Clause-III of the agreement, the State Food Corporation had to supply the truck for carrying the rice from the mill of the petitioner

to SFC but the truck was not supplied. The petitioner is ready to supply the rice provided the trucks are being supplied by the SFC.

It is submitted by Mr. R.S. Pradhan, learned Sr. Counsel for the S.F.C. that the period fixed for receiving the rice is over and as per the present instruction, S.F.C. is not in a position to accept the rice.

In the alternative, the petitioner is ready to deposit Rs. 2,00,000/- in next four months which will be subject to the result of the case.

Considering the rival submission of the parties and nature of accusation, let the above named petitioner be released on provisional anticipatory bail for four months, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of ₹10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M., Madhubani in connection with Madhubani Town P.S. Case No. 20 of 2014, subject to the conditions as laid down under Section 438(2) Cr.P.C.

The provisional bail of the petitioner will be confirmed on deposit of aforesaid amount.

(Dinesh Kumar Singh, J)

Amrendra/-

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