

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.25186 of 2015**

Arising Out of PS.Case No. -115 Year- 2015 Thana -KUDRA District- BHABHUA (KAIMUR)

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1. Ramchandra Singh S/o Late Doma Singh Resident of Village Lalapur,  
P.S. Kudara, District Kaimurr (Bhabhua).

.... .... Petitioner/s

Versus

1. The State of Bihar

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Abdul Wadood, Advocate

For the Opposite Party/s : Mr. Md . Ansarul Haque (App)

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

2      10-07-2015                      Heard learned counsels for the petitioner, Bihar State  
  
Food Corporation and the State.

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

The prosecution case is that under an agreement the  
  
petitioner being rice miller was supplied 4000 quintals of paddy  
  
by the Kaimur unit of The Bihar State Food and Civil Supplies  
  
Corporation during the agriculture season 2012-13 when he was  
  
supposed to supply 2680 quintals of custom milled rice but the  
  
petitioner supplied only 540 quintals of custom milled rice and  
  
failed to supply 2140 quintals of processed rice worth  
  
₹46,34,298.40/-.

It is submitted that processed rice could not be supplied due to laches on the part of the authorities of The Bihar State Food Corporation. Though, the certificate proceeding was also initiated being Certificate Case No.134/2014-15. The petitioner is still ready to supply the balance processed rice.

It is submitted by Mr. Awadhesh Kumar, learned counsel for The Bihar State Food and Civil Supplies Corporation that the petitioner failed to supply the processed rice within stipulated period and under the agreement, The Bihar State Food and Civil Supplies Corporation empowered to initiate legal action for recovery of due amount.

The petitioner is ready to submit bank draft of 20% of alleged due amount within a period of six months in favour of The Bihar State Food and Civil Supplies Corporation, Patna though no statement to that effect has been made in the petition.

Considering the present stand of the petitioner, let the above named petitioner be released on provisional anticipatory bail for seven 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 Chief Judicial Magistrate, Kaimur (Bhabhua) in connection with

Kudra P.S. Case No.115 of 2015, subject to the conditions as laid down under Section 438(2) Cr.P.C.

The provisional bail of the petitioner will be confirmed by the learned court below on submission of draft of 20% of alleged due amount within a period of six months.

The above payment will be subject to the result of certificate proceeding.

**(Dinesh Kumar Singh, J)**

Ashwini/-

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