

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23121 of 2015

Arising Out of PS.Case No. -40 Year- 2015 Thana -SHAKURABAD District- JEHANABAD

Seo Kumar Sharma

.... Petitioner/s

Versus

State of Bihar & Anr

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Suraj Samdarshi

For the Opposite Party/s : Mr. Smt. Gulnar Begum(App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 13-07-2015

Heard learned counsels for the petitioner and the
State.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 406, 120B and 420 of the Indian Penal Code.

The prosecution case is that under an agreement the petitioner being the rice mill owner was supplied 18278 quintals of paddy by the Jehanabad unit of Bihar State Food and Civil Supplies Corporation during the agriculture season 2012-13 when the petitioner was supposed to supply 12246 quintals of custom milled rice but he supplied only 7830 quintals of custom milled rice and failed to supply 4416.39 quintals of processed rice worth ₹95,65,958/-.

It is submitted by learned counsel for the petitioner

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 being Certificate Case No. 14 of 2014/15 has already been initiated. The petitioner is still ready to supply the balance processed rice,.

It is submitted by Mr. Shailendra Kumar Singh, learned counsel for The Bihar State Food and Civil Supplies Corporation that the petitioner failed to supply the processed rice within stipulated period i.e. 31.12.2013 and under the agreement, The Bihar State Food and Civil Supplies Corporation is entitled to initiate legal action for recovery of due amount.

The petitioner undertakes to submit bank draft of 20% of alleged due amount within a period of eight 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 nine 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.,

Jehanabad in connection with Shakurabad P.S. Case No. 40 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 eight months. The above deposit will be subject to the certificate proceeding.

(Dinesh Kumar Singh, J)

Amrendra/-

U		T	
---	--	---	--