

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.22689 of 2015

Arising Out of PS.Case No. -19 Year- 2015 Thana -CHAND District- BHABHUA (KAIMUR)

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Amrendra Pratap Singh S/o Vijay Pratap Singh resident of village -
Bhatani, P.S. Chand, District - Kaimur (Bhabua)

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bhaskar Shankar

For the Opposite Party/s : Mr. Dinesh Singh (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 30-06-2015 Heard learned counsels for the petitioner and the State.

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

The prosecution case is that under an agreement the petitioner was supplied 3650 quintals of paddy by Kaimur Unit of the Bihar State Food and Civil Supplies Corporation during the agriculture season 2012-13 when he was supposed to supply 2445.50 quintals of custom milled rice but the petitioner supplied only 270 quintals of custom milled rice and failed to supply 2175 quintals of processed rice worth ₹47,11,000/-.

The matter was adjourned on 26.06.2015 to bring on record the order passed in C.W.J.C. No.9133 of 2014. It is very

fairly submitted by learned Senior Counsel for the petitioner that the said writ was not filed by the petitioner and under misconceived instruction, wrong submission was made.

It is further submitted that processed rice was not supplied since the Bihar State Food Corporation failed to receive the same and under Clause 15 and 16 of the Agreement, there is provision of recovery of amount by initiating certificate proceeding under Bihar and Orrisa Public Demand Recovery Act, 1914 or issue to be settled through arbitration. The petitioner is still ready to supply the balance processed rice.

It is submitted by Mr. Shailendra Kumar Singh, learned counsel for Bihar State Food and Civil Supplies Corporation that the period for accepting the rice is over.

The petitioner undertakes to deposit 20% of alleged due amount within a period of six months before the Bihar State Food and Civil Supplies Corporation through bank draft which will be subject to the result of certificate or any other proceeding.

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 C.J.M.,
Kaimur (Bhabhua) in connection with Chand P.S. Case No. 19 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 deposit of 20% of alleged due
amount within a period of four months.

(Dinesh Kumar Singh, J)

Amrendra/-

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