

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23311 of 2015

Arising Out of PS.Case No. -90 Year- 2015 Thana -BUXAR INDUSTRIAL District- BUXAR

Kamlesh Singh

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sudha Chandra

For the Opposite Party/s : Mr. Shailendra Kumar-Ii(App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 25-06-2015

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 409, 420 and 120B of the Indian Penal Code.

The prosecution case is that the petitioner was supplied 8000 quintals of paddy under an agreement when he was supposed to supply back 5360 quintals of custom milled rice but the petitioner supplied only 2420.04 quintals of custom milled rice and balance rice could not be supplied and thereby the petitioner misappropriated ₹55,95,134/-.

It is submitted by learned counsel for the petitioner that processed rice was not supplied back since the Bihar State Food Corporation failed to receive the same. The petitioner is still ready to supply the balance processed rice.

It is submitted by learned counsel for Bihar State Food Corporation that the period for accepting the rice is over. Though, certificate proceeding was initiated but the same has been dismissed on technical ground against which the appeal is pending.

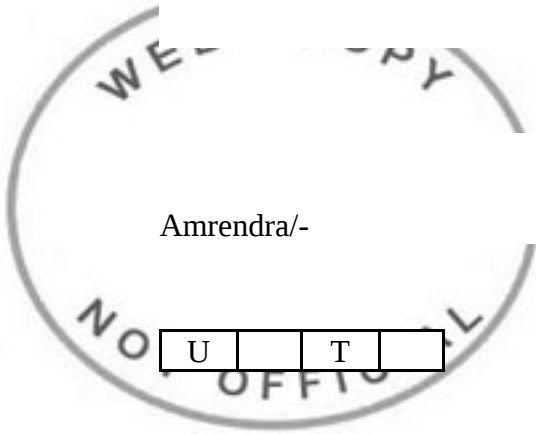
The petitioner undertakes to deposit 20% of alleged due amount within a period of four months before the Bihar State Food and Civil Supplies Corporation through bank draft which will be subject to the result of final settlement.

Considering the present stand of the petitioner, let the above named petitioner be released on provisional anticipatory bail for five 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., Buxar in connection with Buxar (Industrial Area) P.S. Case No. 90 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 on deposit of 20% of alleged due amount within a period of four months.

The present order will not preclude the Bihar State

Food Corporation to recover the balance amount in accordance with law.



(Dinesh Kumar Singh, J)