

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23120 of 2015

Arising Out of PS.Case No. -97 Year- 2015 Thana -BUXAR MUFFSIL District- BUXAR

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Awadhesh Kumar Rai

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ranjeet Choubey, Adv.
For the State : Mr. Ajay Kumar-II(App)
For the B.S.F.C. : Mr. R.S. Pradhan, Sr. Adv.

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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 and 420 of the Indian Penal Code.

The prosecution case is that under an agreement the petitioner being the rice mill owner was supplied 18048.60 quintals of paddy by the Buxar unit of The Bihar State Food and Civil Supplies Corporation during the agriculture season 2011-12 when the petitioner was supposed to supply 12092.56 quintals of custom milled rice but he supplied only 6575.76 quintals of custom milled rice and failed to supply 5516.80 quintals of processed rice worth ₹1,04,99,195/-.

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 but the same was dismissed. The petitioner is still ready to supply the balance processed rice, though statement to that effect has not been made in the petition.

It is submitted by Mr. R.S. Pradhan, learned Sr. 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 is entitled to initiate legal action for recovery of due amount. Though, certificate case was dismissed on technical ground against which the appeal is pending.

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 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 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., Buxar in connection with Buxar (M) P.S. Case No. 97 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.

(Dinesh Kumar Singh, J)

Amrendra/-

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