

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23663 of 2015

Arising Out of PS.Case No. -123 Year- 2015 Thana -PIRO District- BHOJPUR

1. Uma Shankar Rai S/o Sri Laxman Rai Resident of village- Deochanda,
P.S. - Sikrahta, District- Bhojpur, Proprietor of M/s Sarvshree Maa
Vindhyanasini Rice Mill situated at Deochanda, P.S.- Skirahta, Bhojpur.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Binod Kumar Sinha

For the Opposite Party/s : Mr. Braj Kishore Prasad(App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 08-07-2015

Heard learned counsels for the petitioner

and the State.

Petitioner is apprehending his arrest in a
case registered for the offences punishable under Sections 406,
409 and 420/34 of the Indian Penal Code.

The prosecution case is that the petitioner
being rice miller was supplied 13930 quintals of paddy by the
Bhojpur unit of Bihar State Food & Civil Supplies Corporation
under an agreement in the agriculture year 2012-13 against
which the petitioner was supposed to supply 9333.15 quintals
of Custom Milled Rice(CMR) but the petitioner only supplied
5670 quintals and failed to supply 3663.10 quintals of Custom
Milled Rice worth Rs. 79,32,662.84/-/-.

It is submitted by learned counsel for the
petitioner that custom milled rice was not supplied due to the

apathetic attitude of the officers of the Bihar State Food & Civil Supplies Corporation. The agreement stipulates recovery of due amount by initiation of certification proceeding under Bihar & Orissa Public Demands Recovery Act, 1914. The certificate proceeding has already been initiated. Moreover there is also an arbitration clause in the agreement.

It is submitted by Mr. Awadhesh Kuma, learned counsel for the Bihar State Food & Civil Supplies Corporation that petitioner failed to supply the processed rice within stipulated time i.e. 31st of December, 2013 and under the terms of the agreement the Bihar State Food & Civil Supplies Corporation is authorized to take legal action for recovery of the alleged due amount.

Learned counsel for the petitioner admits that petitioner is ready to deposit 20% of the alleged due amount through bank draft in favour of the Bihar State Food & Civil Supplies Corporation, Patna within a period of ten months since father of the petitioner is suffering from cancer and the petitioner is at present outside the State for his treatment.

Considering the present stand of the petitioner, let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of 12 weeks from today, be released on provisional anticipatory bail for eleven months on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the

satisfaction of learned Additional Chief Judicial Magistrate, Ara
in connection with Piro P.S. Case No. 123 of 2015, subject to
the conditions as laid down under Section 438(2) of the Cr.P.C.

The provisional bail of the petitioner will be
confirmed by learned Court below on deposit of 20% of the
alleged due amount within a period of ten months.

The aforesaid deposit will be subject to
certificate proceeding.

(Dinesh Kumar Singh, J)

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