

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.31044 of 2015**

Arising Out of PS.Case No. -113 Year- 2015 Thana -KUDRA District- BHABHUA (KAIMUR)

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1. Ram Ayodhya Singh Son of Nathuni Singh Resident of village -  
Dehara, P.S. Kudra, District - Kaimur ( Bhabua )

.... .... Petitioner/s

Versus

1. The State of Bihar  
2. Bihar State Food and Civil Supplies Corporation Limited Kaimur ( Bhabua ) through District Manager

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Rana Pratap Singh

For the Opposite Party/s : Mr. M.Haque(App)

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH**  
**ORAL ORDER**

2      04-08-2015

Heard learned counsels for the petitioner

and the State.

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

The prosecution case is that the petitioner being rice miller was supplied 3100 quintals of paddy by the Kaimur unit of The Bihar State Food & Civil Supplies Corporation under agreement for the agriculture year 2012-13 against which the petitioner was supposed to supply 2077 quintals of Custom Milled Rice(CMR) but the petitioner only supplied 1807 quintals and failed to supply 270 quintals of Custom Milled Rice worth Rs. 39, 13, 166.92/-/-.

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

the latches on the part of the authorities of The Bihar State Food & Civil Supply Corporation. The agreement stipulates recovery of due amount through initiation of certification proceeding under The Bihar & Orissa Public Demands Recovery Act, 1914. The certificate case No. 119 of 2014-15 has already been initiated.

It is submitted by Ms. Jyotshna Kumari, learned counsel for The Bihar State Food & Civil Supplies Corporation that petitioner failed to supply the processed rice within stipulated time and under the terms of the agreement The Bihar State Food & Civil Supplies Corporation is empowered to take legal action against the petitioner.

Learned counsel for the petitioner admits that petitioner is ready to deposit 20% of the alleged due amount within a period of six months through bank draft in favour of The Bihar State Food & Civil Supplies Corporation, Patna.

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 seven months on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Kaimur at Bhabhua in connection with Kudra P.S. Case No. 113 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.

The above deposit will be subject to certificate proceeding but the same will not be treated as admission of petitioner against the claim of the informant.

**(Dinesh Kumar Singh, J)**

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