

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27240 of 2015

Arising Out of PS.Case No. -126 Year- 2015 Thana -KUDRA District- BHABHUA (KAIMUR)

Jagdish Singh, son of late Hridaya Narain Singh

.... Petitioner/s

Versus

State of Bihar & Anr

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manendra Kumar Sinha, Advocate

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

For the BSFC : Mr. A. N. Rai, Advocate

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 23-07-2015

Heard learned counsels for the petitioner and The

Bihar State Food and Civil Supplies Corporation.

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

The prosecution case is that under an agreement the petitioner was supplied 7112 quintals of paddy by the Kaimur unit of The Bihar State Food and Civil Supplies Corporation during the agriculture season 2011-12 when he was supposed to supply 67% of custom milled rice to the tune of 4765.04 quintals but the petitioner supplied only 1077.57 quintals of custom milled rice and failed to supply 3687.47 quintals of processed rice worth ₹70,17,734.78/- after deducting security amount of Rs.50,000/- under agreement the due amount comes to ₹69,67,734/-.

It is submitted by learned counsel for the petitioner that the rice mill of the petitioner got closed in 2010 itself whereas the claim for supply of rice has been made in the FIR during 2011-12, hence, it appears that the alleged paddy has been sent to some other place in connivance with the officers of The Bihar State Food Corporation.

It is submitted by learned counsel for The Bihar State Food Corporation that supply of the paddy was made to the rice mill of the petitioner and part custom milled rice have been supplied to The Bihar State Food Corporation.

This court does not want to go into the factual dispute of the matter.

It is submitted by learned counsel for The Bihar State Food and Civil Supplies Corporation that the petitioner failed to supply the processed rice within stipulated period i.e. 31.12.2012 and under the agreement, The Bihar State Food and Civil Supplies Corporation is empowered to initiate legal action for recovery of due amount. Though, certificate case has already been initiated being Certificate Case No. 181 of 2014-15.

The petitioner undertakes to submit bank draft of 20% of alleged due amount, in three equal instalments, within a period of six months in favour of The Bihar State Food and Civil

Supplies Corporation, Patna. Though statement to that effect has not been made in the petition.

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 Chief Judicial Magistrate, Bhabhua in connection with Kudra P.S. Case No.126 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 six months.

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

(Dinesh Kumar Singh, J)

Ashwini/-

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