

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.24856 of 2015**

Arising Out of PS.Case No. -61 Year- 2015 Thana -BUXAR INDUSTRIAL District- BUXAR

Ganga Sagar Sah

.... .... Petitioner/s

Versus

State of Bihar & Anr

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

**Appearance :**

For the Petitioner/s : Mr. Rajesh Kumar Sinha, Adv.

For the BSFC : Mr. Awadhesh Kumar, Adv.

For the State : Mr. J.N. Thakur, APP

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

2 10-07-2015

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, 120B and 420 of the Indian Penal Code.

The prosecution case is that under an agreement the petitioner being rice miller was supplied 10280 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 6887.60 quintals of custom milled rice but he supplied only 1073.45 quintals of custom milled rice and failed to supply 5814.15 quintals of processed rice worth ₹1,10,65,092/-.

It is submitted that processed rice could not be supplied due to laches on the part of the authorities of 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.

It is submitted by Mr. Awadhesh Kumar, learned 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 but the appeal against the same is pending.

The petitioner undertakes to submit bank draft of 20% of alleged due amount within a period of ten 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 eleven 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. 61 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 ten months.

**(Dinesh Kumar Singh, J)**

Amrendra/-

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