

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24727 of 2015

Arising Out of PS.Case No. -79 Year- 2015 Thana -BUXAR INDUSTRIAL District- BUXAR

Dadan Prasad

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sudha Chandra

For the Opposite Party/s : Mr. Md.Aslam Ansari(App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 08-07-2015

Heard learned counsels for the petitioner and the State.

The petitioner being the rice miller 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 was supplied 9000 quintals of paddy by the Buxar unit of Bihar State Food and Civil Supplies Corporation during the agriculture season 2011-12 when he was supposed to supply 6030 quintals of custom milled rice but the petitioner supplied only 1621.14 quintals of custom milled rice and failed to supply 4408.86 quintals of processed rice worth ₹83,90,641/-.

It is submitted that processed rice could not be supplied due to laches on the part of the authorities of Bihar State Food Corporation. The petitioner is still ready to supply the balance

processed rice.

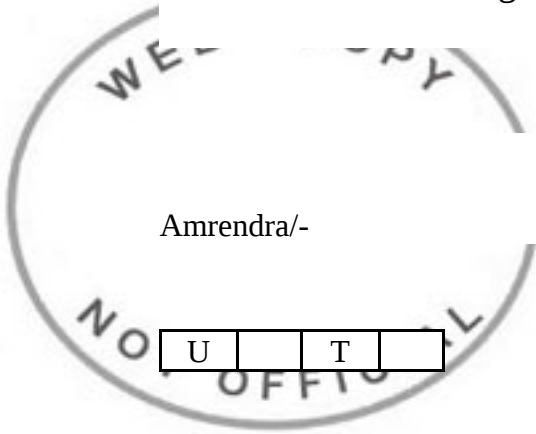
It is submitted by Mr. Shailendra Kumar Singh, learned counsel for Bihar State Food and Civil Supplies Corporation that the petitioner failed to supply the processed rice within stipulated period and under the agreement, the Bihar State Food and Civil Supplies Corporation is entitled to initiate legal action for recovery of due amount. Though, certificate case was dismissed 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 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 Industrial Area P.S. Case No. 79 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)