

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25517 of 2015

Arising Out of PS.Case No. -60 Year- 2015 Thana -JAGDIHSPUR District- BHOJPUR

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1. Basropan Keshri, son of Late Bhagel Sah, Prop. Krishna Rice Mill,
Ugna, P.S.- Jagdishpur, District-Bhojpur.

.... Petitioner/s

Versus

1. The State of Bihar.
2. District Manager, State Food Corporation, Bhojpur, Ara.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kumar Mritunjay Narain

For the Opposite Party/s : Mr. Ajay Kumar-I(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 01-07-2015

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, 420, 120B of the Indian Penal Code and Section 7 of the Essential Commodities Act.

The prosecution case is that the petitioner being rice miller was supplied 4000 quintals of paddy by the Bhojpur unit of Bihar State Food & Civil Supply Corporation under agreement for the agriculture year 2012-13 against which the petitioner was supposed to supply 2680 quintals of Custom Milled Rice(CMR) but the petitioner only supplied 1890 quintals and failed to supply 790 quintals of Custom Milled Rice and thereby misappropriated Rs. 17,10,792.40/-.

It is submitted by learned counsel for the

petitioner that custom milled rice was not 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 Bihar & Orissa Public Demands Recovery Act, 1914. The certificate proceeding has already been initiated.

It is submitted by Mr. Anurag Saurabh, learned counsel for the Bihar State Food & Civil Supplies Corporation that petitioner failed to supply the processed rice within stipulated time and there is nothing on record to suggest that petitioner made any effort to supply the processed rice.

A statement has been made in para 5 of the petition that petitioner has already deposited Rs. 2,00,000/- before the authority but the same has not been calculated while calculating the due amount.

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 before Bihar State Food & Civil Supply Corporation subject to deduction of Rs. 2,00,000/- from the alleged due amount as deposited earlier before the authority.

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 Judicial Magistrate, 1st Class, Ara in connection with Jagdishpur P.S. Case No. 60 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 after deducting Rs. 2,00,000/- from the alleged due amount as deposited earlier by the petitioner before the authority.

The aforesaid deposit will be subject to result of the certificate proceeding.

(Dinesh Kumar Singh, J)

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