

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31533 of 2015

Arising Out of PS.Case No. -48 Year- 2015 Thana -NAWANGAR District- BUXAR

Hare Krishna Choubey

.... Petitioner/s

Versus

1. State of Bihar,
2. Bihar State Food Corporation, Patna

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dr. Chandra Shekhar Azad

For the Opposite Party/s : Mr. Ajit Kumar(App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 03-08-2015

Heard learned counsels for the petitioner and the State.

The petitioner being a rice miller is apprehending arrest in a case registered for the offences punishable under Sections 406 and 420 of the Indian Penal Code.

The prosecution case is that Bhojpur unit of Bihar State Food and Civil Supplies Corporation supplied 10200 quintals of paddy to the petitioner being rice miller under an agreement during the agricultural years 2012-13 consequently the petitioner was supposed to supply 6834 quintals of custom milled rice. The petitioner supplied only 2972.895 quintals of processed rice but failed to supply 3861.105 quintals of processed rice worth Rs.83,61,454.54/-.

It is submitted by the learned counsel for the petitioner that the rice could not be supplied due to supply of poor quality of

paddy and the apathetic attitude of the officials of The Bihar State Food and Civil Supplies Corporation. Moreover, under agreement the due amount was supposed to be realized by initiating certificate proceeding under the provision of Bihar and Orissa Public Demands Recovery Act, 1914 or through arbitration.

It is submitted by learned counsel for the BSFC that the petitioner failed to make supply within time frame i.e. 31.12.2013 and the BSFC has already initiated legal proceeding being certificate case no. 11 of 2014-15. However, it is submitted by learned counsel for the petitioner that the petitioner will deposit 20% of the alleged due amount through bank draft in favour of Bihar State Food and Civil Supplies Corporation within nine months.

Considering the present stand of the petitioner, let the above named petitioner be released on provisional anticipatory bail for ten months in the event of arrest or surrender before the learned Court below within a period of six weeks from today on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned CJM, Buxar in connection with Nawanagar P.S. Case No. 48 of 2015 subject to the conditions as laid down under Section 438(2) Cr.P.C.

The aforesaid deposit will not be treated to be an admission of the petitioner with regard to the claim of the informant but the same will be subject to the certificate proceeding or any legal proceeding.

The provisional bail of the petitioner will be confirmed by the learned court below on submission of 20% of the due amount through bank draft within nine months in favour of Bihar State Food and Civil Supplies, Corporation, Patna.

(Dinesh Kumar Singh, J)

Anil/-

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