

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.21298 of 2015

Arising Out of PS.Case No. -67 Year- 2015 Thana -KUDRA District- BHABHUA (KAIMUR)

Muni Lal Singh @ Munni Lal Singh Son of Late Ramkrit Singh,
..... Petitioner/s

Versus

The State of Bihar

..... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sumeet Kumar Singh, Advocate
For the Opposite Party/s : Mr. Chandra Bhushan Prasad(App)
For the BSFC : Mr. Shailendra Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 20-05-2015 Heard learned counsels for the petitioner, Bihar State
Food Corporation and the State.

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 the Bihar State Food
Corporation supplied 15000 quintals of paddy to the petitioner and
the petitioner being rice miller was supposed to supply 10050
quintals of processed rice but he failed to supply 9780 quintals of
rice and thereby misappropriated Rs. 2,42,40,316.80/- of the
Bihar State Food Corporation.

It is submitted by learned counsel for the petitioner that
the Bihar State Food Corporation never gave any notice as per
terms of Agreement, when the petitioner wrote several letters to



the District Manager of Bihar State Food Corporation for taking back the rice but it was not taken back then the petitioner filed informatory petition before the learned Chief Judicial Magistrate, Kaimur at Bhabhua, on 03.03.2015 also sent legal notice to the District Manager of BSFC. Moreover, as per Clause 15 of the Agreement the recovery was to be made by initiating certificate proceeding under Bihar & Orissa Public Demands Recovery Act, 1914.

It is submitted by learned counsel for the BSFC that as per Clause 4 of the agreement, the BSFC is entitled to recover the amount with penal interest and as per Clause 12 rice millers were supposed to submit daily, weekly, and monthly report with regard to the ready CMR for delivery and status of paddy stored in mill.

Learned counsel for the petitioner further submits that the petitioner is ready to deposit 20 % of the alleged amount within a period of four months.

Considering the aforesaid facts, let the above named petitioner be released on provisional anticipatory bail for four 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.67 of 2015, subject to the conditions as laid down under Section 438(2) Cr.P.C.

The provisional bail of the petitioner shall be confirmed by the learned court below only when the petitioner produces receipt showing deposit of 20 % of the alleged amount within the aforesaid period.

However, the present order will not preclude the Bihar State Food Corporation to recover the rest amount under the terms of agreement.

Ashwini/-

(Dinesh Kumar Singh, J)

U		T	
---	--	---	--