

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26581 of 2015

Arising Out of PS.Case No. -88 Year- 2015 Thana -ITADHI District- BUXAR

=====

1. Jaswant Singh Son of Late Anil Singh Resident of village Basuadhar,
P.S. Itarhi, DIstrict Buxer.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Udaya Pratap Singh Son of Late Haribansh Singh, resident of village
Lakhanpur, P.S. Poonpur District Patna, District Manager, Bihar State Food
Corporation Buxer.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Mishra

For the Opposite Party/s : Mr. C.Jawahar(App)

=====

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

ORAL ORDER

2 07-07-2015 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
403,406,420,421 and 424 of the Indian Penal Code.

The prosecution case is that Buxar unit of Bihar State
Food and Civil Supplies Corporation supplied 19789.20 quintals
of paddy to the petitioner being rice miller under an agreement for
the agricultural years 2012-13 and the petitioner was supposed to
supply 13258.764 quintals of processed rice. The petitioner
supplied only 8917.199 quintals of processed rice and failed to
supply 4341.565 quintals of processed rice worth

Rs.94,01,919.50/-.

It is submitted by the learned counsel for the petitioner that the rice could not be supplied due to apathetic attitude of Bihar State Food and Civil Supplies Corporation and 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 or through arbitration.

It is submitted by learned counsel for the BSFC that the petitioner failed to make supply within time frame and the BSFC has already initiated legal proceeding being certificate case no. 10 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 State Food and Civil Supplies Corporation within eight months.

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 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 Itarhi P.S. Case No. 88 of 2015 subject to the conditions as laid down under Section 438(2)

Cr.P.C.

The aforesaid deposit 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 eight months in favour of the Bihar State Food and Civil Supplies, Corporation, Patna.

(Dinesh Kumar Singh, J)

Anil/-

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