

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25568 of 2015

Arising Out of PS.Case No. -68 Year- 2015 Thana -AADAPUR District-
EASTCHAMPARAN(MOTIHARI)

Vivek Kumar Singh, Proprietor, M/s. Trideo Rice Mill, son of Bindeshwari Singh, resident of village Barwa, P.O. & P.S. Adapur, District East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar. null null
2. The District Manager, Bihar State Food & Civil Supplies Corporation Limited, Motihari.

.... Opposite Party/s

Appearance :

For the Petitioner : Mr. Suraj Samdarshi, Adv.
For the B.S.F.C. : Mr. A.N. Rai, Adv.

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 01-07-2015 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 409 and 420 of the Indian Penal Code.

The prosecution case is that under an agreement the petitioner was supplied 7800 quintals of paddy by the East Champaran unit of Bihar State Food and Civil Supplies Corporation during the agriculture season 2012-13 when he was supposed to supply 5256 quintals of custom milled rice but the petitioner supplied only 2970 quintals of custom milled rice and failed to supply 2256 quintals of processed rice worth

₹48,85,503.36/-.

It is submitted that processed rice could not be supplied due to laches on the part of the authorities of Bihar State Food Corporation and under Clause 15 and 16 of the Agreement, there is provision of recovery of amount by initiating certificate proceeding under Bihar and Orrisa Public Demand Recovery Act, 1914, or resolution of dispute through arbitration though, the certificate proceeding being Certificate Proceeding No. 18 of 2014-15 has already been initiated. The petitioner is still ready to supply the balance processed rice.

It is submitted by 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 lodge the criminal case.

The petitioner undertakes to deposit 20% of alleged due amount within a period of six months before the Bihar State Food and Civil Supplies Corporation through bank draft 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 seven 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., East Champaran at Motihari in connection with Adapur P.S. Case No. 68 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 deposit of 20% of alleged due amount within a period of four months.

(Dinesh Kumar Singh, J)

Amrendra/-

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