

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26532 of 2015

Arising Out of PS.Case No. -62 Year- 2015 Thana -DURGAWATI District- BHABHUA
(KAIMUR)

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1. Janardan Singh S/O Daya Shankar Singh, resident of Village- Sangapur,
P.S.- Rangarh, District- Kaimur. At present village- Nuaon, P.S.-
Durgawati, Dist- Kaimur.

.... Petitioner/s

Versus

1. The State of Bihar Through State Food of Civil Supply Corporation Ltd.
Kaimur

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Binod Kumar Yadav

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

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 02-07-2015 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 409 and 420 of the Indian Penal Code.

The prosecution case is that the petitioner was supplied 4500 quintals of paddy for supply of 3015 quintals of processed rice but the petitioner failed to supply the processed rice worth Rs.57,37,936.95/-.

It is submitted by the learned counsel for the



petitioner that in C.W.J.C. No. 5448 of 2014 the petitioner challenged the demand notice. In pursuance to order passed in writ proceeding the petitioner deposited rupees ten lacs fifty thousand. Though the certificate proceeding has been dismissed but the appeal against the dismissal order of certificate proceeding has been preferred by BSFC, hence the present FIR stipulates due amount to the tune of Rs.46,37,936.95/-. Learned counsel for the petitioner submits that the petitioner undertakes to deposit 5% of the present alleged due amount within six months.

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 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 Kaimur, Bhabua in connection with Durgawati P.S. Case No. 62 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 deposit of 5% of the present due amount through bank draft within six months in favour of the Bihar State Food and Civil Supplies Corporation, Patna.

(Dinesh Kumar Singh, J)

Anil/-

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