

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26762 of 2015

Arising Out of PS.Case No. -108 Year- 2015 Thana -BUXAR MUFFSIL District- BUXAR

1. Om Prakash, Son of Sri Raghunath Prasad, resident of Vill- Dhansoin,
P.S.- Dhansoi, District- Buxar

.... Petitioner/s

Versus

1. The State of Bihar
2. Bihar State Food Corporation Ltd.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar Sinha

For the Opposite Party/s : Mr. Satyavrat Verma(App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 22-07-2015 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 406 and 420 of the Indian Penal Code.

The prosecution case is that Buxar unit of Bihar State Food and Civil Supplies Corporation supplied 16200 quintals of paddy to the petitioner being rice miller under an agreement during the agricultural years 2012-13 and the petitioner was supposed to supply 10854 quintals of processed rice. The petitioner supplied only 4861.692 quintals of processed rice but failed to supply 5992.308

quintals of processed rice worth Rs.1,29,76,702.51/-.

It is submitted by the learned counsel for the petitioner that apart from 4861.692 quintals of processed rice the petitioner subsequently supplied 1620 quintals of processed rice but no adjustment of the same has been made while lodging the FIR and rest of the rice could not be supplied due to apathetic attitude of the officials of the 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,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. 4 of 2014-15. It is further submitted that there is nothing on record to suggest that the petitioner subsequently supplied 1620 quintals of processed rice though it has been verified that the actual paddy which was supplied to the petitioner was 16080 quintals hence the due amount comes to Rs.1,28,26000/-

However, it is submitted by learned counsel for the petitioner that the petitioner will deposit 20% of the alleged due amount i.e. Rs. 1,28,26000/- through bank draft in favour of State Food and Civil Supplies Corporation within eleven months.

Considering the present stand of the petitioner, let the above named petitioner be released on provisional anticipatory bail for one year 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 Buxar (M) P.S. Case No. 108 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 i.e. Rs.1,28,26000/- through bank draft

within eleven months in favour of the Bihar State Food and
Civil Supplies, Corporation, Patna.

(Dinesh Kumar Singh, J)

Anil/-

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