

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26523 of 2015

Arising Out of PS.Case No. -147 Year- 2015 Thana -MOHANIA District- BHABHUA (KAIMUR)

1. Madhavi Devi, M/s Aryan Food Products Kauri Ram (Mohania) wife of Sri Anand Keshari resident of Kauri Ram, Police Station - Mohania, District - Kaimur.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pancham Lal Jaiswal

For the Opposite Party/s : Mr. Umeshanand Pandit(App)

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 420 and 407 of the Indian Penal Code.

The prosecution case is that Kaimur unit of Bihar State Food and Civil Supplies Corporation supplied 14289.01 quintals of paddy to the petitioner being rice miller for supply of 9573.64 quintals of processed rice but the petitioner supplied only 270 quintals of processed rice and failed to supply 9303.74 quintals of processed rice worth Rs.20147583.50/-.

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. The petitioner has mortgaged a security of Rupees two crores eleven lacs and the due amount can be realized subsequent to the conclusion of certificate proceeding. The Clause nos. 15 and 16 of the agreement stipulate that recovery was to be made through 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 is authorized to initiate legal proceeding. 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 ten months.

Considering the present stand of the petitioner, let the above named petitioner be released on provisional anticipatory bail for eleven 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 Mohania P.S. Case No. 147 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 ten months in favour of the Bihar State Food and Civil Supplies, Corporation, Patna.

(Dinesh Kumar Singh, J)

Anil/-

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