

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26798 of 2015

Arising Out of PS.Case No. -141 Year- 2015 Thana -KUDRA District- BHABHUA (KAIMUR)

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Smt. Madhu Singh @ Madhu Devi wife of Rajesh Kumar Singh resident of Village- Tarahani, P.S. Sonhan, District- Kaimur (Bhabua), Owner of Ms. Satya Narayan Rice Mill.

.... Petitioner/s

Versus

1. The State of Bihar
2. The State of Bihar through the Managing Director, Bihar State Food & Civil Supplies Corporation Ltd. Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Vikramdeo Singh, Advocate
For the Opposite Party/s	:	Ms (Dr.) Indiwari Kumari (App)
Fro BSFC	:	Ms. Shailendra Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 21-07-2015

Heard learned counsels for the petitioner and The Bihar State Food and Civil Supplies Corporation.

The petitioner being 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 7500 quintals of paddy by the Kaimur unit of The Bihar State Food and Civil Supplies Corporation during the agriculture season 2012-13 when he was supposed to supply 67% of custom milled rice to the tune of 5025 quintals but the petitioner failed to supply the same worth ₹1,08,81,939/-.



It is submitted by learned counsel for the petitioner that processed rice could not be supplied due to laches on the part of the authorities of The Bihar State Food Corporation and under the terms of agreement due amount was to be recovered by initiating certificate proceeding, which has already been initiated. However, the petitioner is still ready to supply the balance processed rice.

It is submitted by Mr. Shailendra Kumar Singh, learned counsel for The Bihar State Food and Civil Supplies Corporation that the petitioner failed to supply the processed rice within stipulated period i.e. 31.12.2013 and under the agreement, The Bihar State Food and Civil Supplies Corporation is empowered to initiate legal action for recovery of due amount.

The petitioner undertakes to submit bank draft of 20% of alleged due amount within a period of ten months, in five equal installments, in favour of The Bihar State Food and Civil Supplies Corporation, Patna. Though statement to that effect has not been made in the petition.

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 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., Kaimur at Bhabhua in connection with Kudra P.S. Case No.141 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 submission of draft of 20% of alleged due amount within a period of six months.

The above deposit will be subject to the certificate proceeding but will not be treated as admission of the petitioner to the claim of the informant.

Ashwini/-

(Dinesh Kumar Singh, J)

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