

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25331 of 2015

Arising Out of PS.Case No. -90 Year- 2015 Thana -RAMGARH District- BHABHUA (KAIMUR)

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1. Mohan Shah @ Mohan Sah M/s Jay Hanuman Rice Mill, Sinjhua Son of Shri Hanuman Sah Resident of village - Sinjhua, P.S. Ramgarh, District - Kaimur.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajesh Kumar Mishra, Advocate

For the Opposite Party/s : Mr. Binod Kumar No. 2(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 10-07-2015 Heard learned counsels for the petitioner, The Bihar State Food Corporation and the State.

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 being rice miller was supplied 2660 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 1782 quintals of custom milled rice but the petitioner supplied only 807.10 quintals of custom milled rice and failed to supply 974.90 quintals of processed rice worth ₹21,11,204.45/-.

It is submitted that processed rice could not be

supplied due to laches on the part of the authorities of The Bihar State Food Corporation. Though, the certificate proceeding was initiated being Certificate Case No.86/14-15. The petitioner is still ready to supply the balance processed rice.

It is submitted by Mr. Awadhesh Kumar, 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 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 six months in favour of The Bihar State Food and Civil Supplies Corporation, Patna. Though the 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 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 A.C.J.M., Bhabhua in connection with Ramgarh P.S. Case

No.90 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 payment will be subject to the result of
certificate proceeding.

(Dinesh Kumar Singh, J)

Ashwini/-

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