

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26586 of 2015

Arising Out of PS.Case No. -112 Year- 2015 Thana -SAUR BAZAR District- SAHARSA

Yubraj Bhagat

.... Petitioner/s

Versus

State of Bihar & Anr

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Satyendra Narayan Singh, Adv.
For the BSFC : Mr. R.S. Pradhan, Sr. Adv.
Mr. Shailendra Kumar Singh, Adv.
For the State : Mr. Dr.Rabindra Kumar (App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 03-07-2015 Heard learned counsels for the petitioner and the State.

The petitioner being the rice miller is apprehending arrest in a case registered for the offences punishable under Sections 406, 409 and 420 of the Indian Penal Code.

The prosecution case is that under an agreement the petitioner was supplied 30277.78 quintals of paddy by the Saharsa unit of Bihar State Food and Civil Supplies Corporation during the agriculture season 2012-13 when he was supposed to supply quintals 20286.11 of custom milled rice but the petitioner supplied only 4313.35 quintals of custom milled rice and failed to supply 15972.75 quintals of processed rice worth ₹3,45,89,959/-.

It is submitted that processed rice was not supplied due to latches on the part of the officials of The Bihar State Food Corporation and under Clause 15 and 16 of the Agreement, there

is provision for recovery of due amount by initiating certificate proceeding under Bihar and Orrisa Public Demand Recovery Act, 1914 or getting the issue settled through arbitration, though, the certificate proceeding has already been initiated vide Certificate Case No. 15 of 2014-15. The petitioner is still ready to supply the balance processed rice.

It is submitted by Mr. Shailendra Kumar Singh, learned counsel for Bihar State Food and Civil Supplies Corporation that the processed rice was not supplied within stipulated period and the State Food Corporation was authorized to take other legal action as per the terms of agreement.

The petitioner undertakes to deposit 20% of alleged due amount within a period of ten months in favour of the Bihar State Food and Civil Supplies Corporation through bank draft which will be subject to the result of certificate or any other proceeding.

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., Saharsa in connection with Saur Bazar P.S. Case No. 112

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 deposit of 20% of alleged due amount within a period of ten months.

(Dinesh Kumar Singh, J)

Amrendra/-

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