

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25836 of 2015

Arising Out of PS.Case No. -121 Year- 2015 Thana -RAMGARH District- BHABHUA (KAIMUR)

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Siya Ram Singh Son of Sri Rameshwar Singh,

.... Petitioner/s

Versus

1. The State of Bihar.

2. Pramod Kumar Pathak Son of Late. Uday Chandra Pathak

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kumar Sunil, Advocate

For the Opposite Party/s : Mr. Ashok Kr.Singh (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 17-07-2015

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 15158.20 quintals of paddy by the
Kaimur unit of The Bihar State Food and Civil Supplies
Corporation during the agriculture season 2011-12 when he was
supposed to supply 67% of the same to the tune of 10155.99
quintals of custom milled rice but the petitioner supplied only
6171 quintals of custom milled rice and failed to supply 3984.99
quintals of processed rice worth `75,33,954/-.

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. Though, the certificate proceeding was also initiated but the same was dismissed. The petitioner is still ready to supply the balance processed rice.

It is submitted by Mr. Awadhesh Kumar, 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. 31.12.2012 and under the agreement, The Bihar State Food and Civil Supplies Corporation is empowered to initiate legal action for recovery of due amount. Though, certificate case was dismissed on technical ground.

The petitioner undertakes to submit bank draft of 20% of alleged due amount within a period of seven months 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 eight 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 Ramgarh P.S. Case No.121 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.

(Dinesh Kumar Singh, J)

Ashwini/-

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