

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27723 of 2015

Arising Out of PS.Case No. -89 Year- 2015 Thana -BUXAR INDUSTRIAL District- BUXAR

Hardeo Singh, son of Daroga Singh

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Surendra Kumar Singh, Advocate
Mr. Tulika Singh, Advocate
For the Opposite Party/s : Mr. Suresh Pd.Singh(App)
For the BSFC : Mr. Awadhesh Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 23-07-2015

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 406, 420 and 120B of the Indian Penal Code.

The prosecution case is that under an agreement the petitioner being rice miller was supplied 7500 quintals of paddy by the Buxar unit of The Bihar State Food and Civil Supplies Corporation during the agriculture season 2011-12 when he was supposed to supply 67% of custom milled rice to the tune of 5025 quintals but the petitioner supplied only 1267.50 quintals of custom milled rice and failed to supply 3757.46 quintals of processed rice worth ₹71,50,942/-.

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. The petitioner is still ready to supply the balance processed rice.

It is submitted by 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.

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 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 Chief

Judicial Magistrate, Buxar in connection with Buxar (Industrial Area) P.S. Case No.89 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 bank 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/-

U		T	
---	--	---	--