

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28915 of 2015

Arising Out of PS.Case No. -92 Year- 2015 Thana -KUDRA District- BHABHUA (KAIMUR)

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Anil Kumar Chaurasia Son of Late Kameshwar Chaurasia, resident of
village- Jehanabad, P.S.- Kudra, District- Kaimur at Bhabua

.... Petitioner/s

Versus

- 1. The State of Bihar
- 2. Bihar State Food Corporation, Kaimur at Bhabua

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Girish Chandra Sharma
For the Opposite Party/s : Mr. Ram Sumiran Rai(App)
For the B.S.F.C. : Mr. Shailendra Kumar Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

02/ 24-07-2015 Heard learned counsels for the petitioner
and the State.

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

The prosecution case is that Kaimur unit of Bihar State Food and Civil Supplies Corporation supplied 5944 quintals of paddy to the petitioner being rice miller under an agreement during the agricultural year 2012-13 and the petitioner was supposed to supply 3982.48 quintals of custom milled rice. The petitioner supplied only 3236.57 quintals of custom milled rice and failed to supply 745.91 quintals of custom milled rice

worth Rs.16,15,313/-.

It is submitted by learned counsel for the petitioner that the rice could not be supplied due to apathetic attitude of the officials of The Bihar State Food and Civil Supplies Corporation and under agreement the due amount was supposed to be realized by initiating certificate proceeding under the provision of Bihar and Orissa Public Demands Recovery Act, 1914 or through arbitration and the certificate proceeding has already been initiated.

It is submitted by learned counsel for the BSFC that the petitioner failed to make supply within time frame i.e. 31.1.2.2013 and the BSFC has already initiated legal proceeding for recovery of the alleged due amount. However, it is submitted by learned counsel for the petitioner that the petitioner will deposit 20% of the alleged due amount through bank draft in favour of The State Food and Civil Supplies Corporation within five months.

Considering the present stand of the petitioner, let the above named petitioner be released on provisional anticipatory bail for six months in the event of his arrest or surrender before the learned court below within a period of twelve weeks from today, on furnishing bail bonds of

Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Kaimur at Bhabua in connection with Kudra P.S. Case No. 92 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

The aforesaid deposit will not be treated to be an admission of the petitioner with regard to the claim of the informant but the same will be subject to the certificate proceeding or any legal proceeding.

The provisional bail of the petitioner will be confirmed by the learned court below on submission of 20% of the due amount through bank draft within five months in favour of The Bihar State Food and Civil Supplies Corporation, Patna.

(Dinesh Kumar Singh, J)

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