

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28914 of 2015

Arising Out of PS.Case No. -205 Year- 2015 Thana -BHABHUA District- BHABHUA (KAIMUR)

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Ganesh Sah son of Jhuri Sah, Proprietor of Maa Mundeshwari Billing,
Bhabua Resident of village Bhabua, Ward No. 18, P.S.- Bhabua, District-
Kaimur at Bhabua

.... Petitioner/s

Versus

1. The State of Bihar
2. District Manager of Bihar State Food & Civil Supplies Corporation Ltd.,
District- Kaimur at Bhabua

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajani Kant Pandey

For the Opposite Party/s : Mr. Amitesh Kumar(App)

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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
32591.23 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 21836.12 quintals of
processed rice. The petitioner supplied only 21041.54 quintals of

processed rice and failed to supply 794.57 quintals of processed rice worth Rs.15,12,177.81/- and after adjustment of Rs.50,000/- of security amount the due amount comes to Rs.14,62,177.81/-.

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 initiated against the petitioner has already been quashed and against which appeal is pending.

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 of Rs. 14,62,177.81/- 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 Bhabua P.S. Case No. 205 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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