

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31955 of 2015

Arising Out of PS.Case No. -23 Year- 2015 Thana -NARAINPUR District- BHOJPUR

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Arvind Kumar Singh @ Arvind Singh son of Ram Kumar Singh, resident of
Village-Narainpur, P.S.-Narainpur, District-Bhojpur

.... Petitioner/s

Versus

1. The State of Bihar
2. The Bihar State Food & Civil Supplies Corporation, Patna

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Prabhu Narayan Sharma

For the Opposite Party/s : Mr. Veena Rani Pd.(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 06-08-2015

Heard learned counsels for the petitioner

and the State.

Petitioner is apprehending his arrest in a
case registered for the offences punishable under Sections 406
and 420 of the Indian Penal Code.

The prosecution case is that the petitioner
being rice miller was supplied 9954 quintals of paddy by the
Bhojpur unit of The Bihar State Food & Civil Supplies
Corporation under agreement for the agriculture year 2012-13
in lieu thereof the petitioner was supposed to supply 6669
quintals of Custom Milled Rice(CMR) but the petitioner only
supplied 2700 quintals and failed to supply 3969 quintals of
Custom Milled Rice worth Rs. 85,95,497/-

It is submitted by learned senior counsel for
the petitioner that custom milled rice could not be supplied due
to the latches on the part of the authorities of The Bihar State

Food & Civil Supplies Corporation. The agreement stipulates recovery of due amount through initiation of certification proceeding under Bihar & Orissa Public Demands Recovery Act, 1914 which has already been initiated by Certificate Case No. 22 of 2014-15 and due amount can be adjusted against bank security of the petitioner.

It is submitted by Ms. Jyotshna Kumari, learned counsel for The Bihar State Food & Civil Supplies Corporation that petitioner failed to supply the processed rice within stipulated time i.e. 31.12.2013 and under the terms of the agreement legal action is permissible for recovery of the due amount.

Learned senior counsel for the petitioner admits that petitioner is ready to deposit 20% of the alleged due amount within a period of ten months in five bi monthly equal installments through bank draft in favour of The Bihar State Food & Civil Supplies Corporation Ltd, Patna.

Considering the present stand of the petitioner, let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of 12 weeks from today, be released on provisional anticipatory bail for eleven months on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Ara in connection with Narainpur P.S. Case No. 23 of 2015, subject to

the conditions as laid down under Section 438(2) of the Cr.P.C.

The provisional bail of the petitioner will be confirmed by learned Court below on submissions of drafts of 20% of the alleged due amount of Rs. 85, 95, 497/- in ten months in five bi monthly installments.

The above payment will be subject to certificate proceeding but the same will not be treated as admission of the petitioner against the claim of the informant.

Shageer/-

(Dinesh Kumar Singh, J)

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