

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34781 of 2015

Arising Out of PS.Case No. -107 Year- 2015 Thana -BUXAR INDUSTRIAL District- BUXAR

- =====
1. Ashok Prasad Sah M/s Jai Hanuman Minni Rice Mill S/o Rambilash Sah Resident of Village Industrial Area (Buxar), P.S. Industrial Area Buxar, District Buxar.
 2. District Manager, State Food and Civil Supply Corporation, District Buxar.

.... Petitioner/s

Versus

1. The State of Bihar.
2. District Manager, State Food and Civil Supply Corporation, District Buxar.

..... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajani Ranjan Pd. Singh

For the Opposite Party/s : Mr. Md. Ataur Rahman (App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 19-08-2015 Heard learned counsels for the petitioner and the State.

The petitioner being a 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 Buxar unit of Bihar State Food and Civil Supplies Corporation Ltd. supplied 6500 quintals of paddy to the petitioner being rice miller under an agreement during the agricultural years 2011-12 in lieu thereof the petitioner was supposed to supply 4355 quintals of custom milled rice. The petitioner supplied only 1833.72 quintals of processed rice but failed to supply 2521.28 quintals of processed rice worth Rs.47,98,327.00/-.



It is submitted by the learned counsel for the petitioner that the rice could not be supplied due to supply of poor quality of paddy and the apathetic attitude of the officials of The Bihar State Food and Civil Supplies Corporation Ltd. Moreover, 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. It is further submitted that the certificate proceeding has been quashed.

It is submitted by Mr. Shailendra Kumar Singh, learned counsel for the BSFC that the petitioner failed to make supply within time frame i.e. 31.12.2012 and appeal is pending against the quashing of the certificate proceeding.

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 Bihar State Food and Civil Supplies Corporation Ltd. within six months in six monthly equal installments 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 six weeks from today on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned CJM, Buxar in connection with Industrial Area P.S. Case No. 107 of 2015 subject to the conditions as laid down under Section 438(2) 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 six months in favour of Bihar State Food and Civil Supplies, Corporation Ltd., Patna.

(Dinesh Kumar Singh, J)

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