

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34120 of 2015

Arising Out of PS.Case No. -278 Year- 2013 Thana -KAJI MUHAMMADPUR District-
MUZAFFARPUR

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Amod Kumar Singh @ Amod @ Amod Prasad Singh S/o Bharat Prasad Singh, Proprietor - M/s Chandan Rice Mill village - Husaina Raghav, P.O. Baluka Ram, P.S. Vaishali, District - Vaishali

.... Petitioner/s

Versus

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

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Krishna Mohan Mishra, Advocate
For the Opposite Party/s : Mr. Md. Aslam Ansari (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 25-08-2015 Heard learned counsels for the petitioner and Bihar State Food and Civil Supplies Corporation Ltd.

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

The prosecution case is that under an agreement the petitioner being rice miller was supplied 38136.08 quintals of paddy by the Muzaffarpur unit of Bihar State Food and Civil Supplies Corporation Ltd. during the agriculture years 2011-12 in lieu thereof he was supposed to supply 25551.17 quintals of custom milled rice. The petitioner supplied only 15930 quintals of custom milled rice but failed to supply 9621.17 quintals of processed rice worth ₹1,83,10337.26/-.



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 and Civil Supplies Corporation Ltd. and under the terms of agreement due amount was to be recovered by initiating certificate proceeding. Consequently, the certificate proceeding was also initiated but the same was dismissed.

It is submitted by Mr. Awadhesh Kumar Singh, learned counsel for the Bihar State Food and Civil Supplies Corporation Ltd. that the petitioner failed to supply the processed rice within stipulated period i.e. 30.04.2013 and under the agreement, the Bihar State Food and Civil Supplies Corporation Ltd. was empowered to initiate legal action for recovery of due amount. Though, appeal is pending against the order of quashing of certificate proceeding.

However, learned counsel for the petitioner submits that the petitioner is ready to submit bank draft of 20% of alleged due amount of ₹1,83,10337.26/- within a period of sixteen months, in eight bi-monthly equal installments, through bank draft in favour of the Bihar State Food and Civil Supplies Corporation Ltd., 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 seventeen 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, Muzaffarpur in connection with Kazi Muhammadpur P.S. Case No.278 of 2013, 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 of ₹1,83,10337.26/- within a period of sixteen months.

The above deposit will be subject to any proceeding pending or initiated for recovery of due amount but the same will not be treated as an admission of the petitioner against the claim of the informant.

Ashwini/-

(Dinesh Kumar Singh, J)

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