

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31006 of 2015

Arising Out of PS.Case No. -40 Year- 2015 Thana -OBRA District- AURANGABAD

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1. Laldeo Kumar Mehta @ Laldeo Kumar S/o Raja Ram Mehta Resident of
village - Devkali, P.O. Obra, P.S. Obra, Distt. - Aurangabad

.... Petitioner/s

Versus

1. The State of Bihar
2. The District Manager, B.S.F.C., Aurangabad

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dhananjaya Nath Tiwari, Advocate

For the Opposite Party/s : Mr. Atul Chandra(App)

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH**
ORAL ORDER

2 31-07-2015 Heard learned counsel for the petitioner and the

State.

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

The prosecution case is that under an agreement
the petitioners being the rice miller were supplied 6500
quintals of paddy by the Aurangabad unit of The Bihar State
Food and Civil Supplies Corporation during the agriculture
season 2012-13 when he was supposed to supply 4355
quintals of custom milled rice but the petitioner supplied only
3240 quintals of custom milled rice and failed to supply 1115
quintals of processed rice worth Rs. 24,14,599/-

It is submitted that processed rice could not be

supplied due to laches on the part of the authorities of The Bihar State Food Civil 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.

It is submitted by learned counsel for the Bihar State Food and Civil supplies Corporation that the petitioner failed to supply the processed rice within stipulated period i.e. 31.12.2013 and under the agreement, The Bihar State Food and Civil Supplies Corporation has already initiated legal proceeding being Certificate Case No. 59 of 2014

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 Bihar State Food and Civil Supplies Corporation within six months.

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 the learned Sub-Divisional Judicial Magistrate Aurangabad in connection with Obra P.S. Case No. 40 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 draft of 20% of alleged due amount within a period of six months in favour of the Bihar State Food and Civil Supplies Corporation, Patna.

(Dinesh Kumar Singh, J)

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