

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30260 of 2015

Arising Out of PS.Case No. -185 Year- 2015 Thana -BHABHUA District- BHABHUA (KAIMUR)

Paras Nath Singh, son of Late Jiut Singh, Managing Director of M/s Vina Paras Modern Rice Mill Pvt. Ltd, Bhabua, resident of Town Bhabua, Ward No. 6, P.O.+P.S.-Bhabua, District-Kaimur(Bhabua)

.... Petitioner/s

Versus

The State of Bihar & Anr

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Radha Mohan Pandey

For the Opposite Party/s : Mr. P.K.Jha(App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 30-07-2015

Heard learned counsels for the petitioner

and the State.

Petitioner is apprehending his arrest in a case registered for the offences punishable under Sections 409, 420 of the Indian Penal Code.

The prosecution case is that the petitioner being rice miller was supplied 45600 quintals of paddy by the Kaimur unit of Bihar State Food & Civil Supplies Corporation under agreement for the agriculture year 2012-13 against which the petitioner was supposed to supply 30552 quintals of Custom Milled Rice(CMR) but the petitioner only supplied 7289 quintals and failed to supply 23263 quintals of Custom Milled Rice worth Rs. 05,03,78,071.95/-.

It is submitted by learned counsel for the petitioner that petitioner failed to supply the processed rice 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. The certificate proceeding has already been initiated.

It is submitted by Mr. Sailendra Kumar Singh, 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 in spite of notices being issued to him and the Bihar State Food & Civil Supplies Corporation, under the terms of the agreement is empowered to take legal action for recovery of the due amount.

Learned counsel for the petitioner admits that petitioner is ready to deposit 20% of Rs. 05,03,78,071.95/- the alleged due amount within a period of sixteen months in eight equal installments through bank draft drawn in favour The Bihar State Food & Civil Supplies Corporation, 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 17 months on furnishing bail bond 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. 185 of 2015, G.R. No. 831 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 deposit of 20% of Rs. 05,03,78,071.95/-, the alleged due amount.

The aforesaid deposit will be subject to certificate proceeding or any other proceeding initiated for recovery of the due amount but the same will not be treated as admission of the petitioner against the informant.

(Dinesh Kumar Singh, J)

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