

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28738 of 2015

Arising Out of PS.Case No. -124 Year- 2015 Thana -KUDRA District- BHABHUA (KAIMUR)

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Tejbali Singh, son of late Ram Lakhan Singh

.... Petitioner/s

Versus

1. State of Bihar
2. The Bihar State Food Corporation

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shyam Bihari Singh, Advocate
For the Opposite Party/s : Mr. Dr. Ajit Kumar(App)
For the BSFC : Mr. Awadhesh Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 03-08-2015 Heard learned counsels for the petitioner and The Bihar State Food and Civil Supplies Corporation.

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 2000 quintals of paddy by the Kaimur unit of The Bihar State Food and Civil Supplies Corporation during the agriculture season 2011-12 in lieu thereof the petitioner was supposed to supply 67% of custom milled rice to the tune of 1340 quintals. The petitioner supplied only 810 quintals of custom milled rice but failed to supply 530 quintals of processed rice worth ₹10,8,658.90/- after deducting ₹50,000/- of security amount now the due amount

comes to the tune of Rs.9,58,658.90/-.

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. Though, the certificate proceeding was also initiated being Certificate Case No. 185/2014-15. However, the petitioner is still ready to supply the balance processed rice.

It is submitted by Mr. Awadhesh Kumar, 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. 31.12.2012 and under the agreement, The Bihar State Food and Civil Supplies Corporation was empowered to initiate legal action for recovery of due amount.

The petitioner undertakes to submit bank draft of 20% of alleged due amount within a period of five months through bank draft in favour of The Bihar State Food and Civil Supplies Corporation, 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 six months 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, Kaimur at Bhabhua in connection with Kudra P.S. Case No.124 of 2015, 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 within a period of five months.

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

Ashwini/-

(Dinesh Kumar Singh, J)

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