

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29839 of 2015

Arising Out of PS.Case No. -236 Year- 2015 Thana -MADHEPURA District- MADHEPURA

1. Khokha Yadav
2. Pintu Kumar Bhagat.

.... Petitioner/s

Versus

State of Bihar & Anr

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Chandra Shekhar Singh

For the Opposite Party/s : Mr. J.Upadhyay(App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 30-07-2015 Heard learned counsels for the petitioner and the State.

The petitioners are 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 petitioners being the rice millers were supplied 5821.60 quintals of paddy by the Madhepura unit of The Bihar State Food and Civil Supplies Corporation during the agriculture season 2012-13 when the petitioner was supposed to supply 3900.50 quintals of custom milled rice but he supplied only 1890 quintals of custom milled rice and failed to supply 2010.50 quintals of processed rice worth ₹43,53,880/-.



It is submitted that processed rice could not be supplied due to laches on the part of the authorities of Bihar State Food Corporation and under the agreement there is provision of recovery of alleged amount by initiating certificate proceeding, though, Certificate Case No. 07 of 2014-15 has already been initiated. The petitioners have already deposited ₹4 lakhs. The petitioner is still ready to supply the balance processed rice.

It is submitted by Ms. Manisa Singh, 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 after lodging of the FIR, the petitioners have deposited ₹2 lakhs, hence now the due amount comes to ₹41,53,880/- and if the petitioner has further deposited Rs. 2 lakhs, on verification, the calculated due amount will be slashed down and under the agreement, the Bihar State Food and Civil Supplies Corporation was entitled to initiate legal action for recovery of due amount.

However, the petitioner undertakes to submit bank draft of 20% of alleged amount within a period of five months in favour of The Bihar State Food and Civil Supplies Corporation, Patna.

Considering the present stand of the petitioner, let

the above named petitioners be released on provisional anticipatory bail for six 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) each with two sureties of the like amount each to the satisfaction of the learned CJ.M., Madhepura in connection with Madhepura P.S. Case No. 236 of 2015, subject to the conditions as laid down under Section 438(2) Cr.P.C.

The provisional bail of the petitioners will be confirmed by the learned court below on submission of draft of 20% of alleged amount within a period of five months.

The aforesaid deposit will be subject to the result of the certificate proceeding but the same will not be admission of the petitioners against the claim of the informant.

(Dinesh Kumar Singh, J)

Amrendra/-

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