

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30705 of 2015

Arising Out of PS.Case No. -27 Year- 2015 Thana -KUTUMBA District- AURANGABAD

Sanjay Kumar Singh

.... Petitioner/s

Versus

State of Bihar & Anr

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mrigendra Kumar

For the Opposite Party/s : Mr. Anant Kumar(App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 30-07-2015

Heard learned counsels for the petitioner and the State.

The petitioner being a rice miller is apprehending arrest in a case registered for the offences punishable under Sections 406,409 and 420/34 of the Indian Penal Code.

The prosecution case is that Aurangabad unit of the Bihar State Food and Civil Supplies Corporation supplied 8153.63 quintals of paddy to the petitioner being rice miller under an agreement during the agricultural years 2012-13 and the petitioner was supposed to supply 5462.90 quintals of custom milled rice. The petitioner supplied only 2160 quintals of processed rice but failed to supply 3302.90 quintals of processed rice worth Rs.71,52,698/-.

It is submitted by the learned counsel for the petitioner that the rice could not be supplied due to poor quality of paddy

and the apathetic attitude of the officials of the Bihar State Food 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 Mr. A. N. Rai, learned counsel for the BSFC that the petitioner failed to make supply within time frame i.e. 31.12.2013 and the BSFC has already initiated legal proceeding being certificate case no. 94 of 2014-15. 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 State Food and Civil Supplies Corporation within eight months.

Considering the present stand of the petitioner, let the above named petitioner be released on provisional anticipatory bail for nine 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 learned CJM, Aurangabad in connection with Kutumba P.S. Case No. 27 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 20% of the due amount through bank draft within eight months in favour of the Bihar State Food and Civil Supplies, Corporation, Patna.

(Dinesh Kumar Singh, J)

Anil/-

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