

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33076 of 2015

Arising Out of PS.Case No. -135 Year- 2015 Thana -MOHANIA District- BHABHUA (KAIMUR)

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1. Pramod Singh son of Sri Babban singh Resident of Village Parsurampur,
P.s Mohania, District Kaimur at Bhabau

.... Petitioner/s

Versus

1. The State of Bihar
2. The Managing Director, Bihar State Food & Civil Supplies Corporation
Ltd

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sada Nand Ray

For the Opposite Party/s : Mr. Parmanand Pd.(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH
ORAL ORDER

2 11-08-2015 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 409
and 420 of the Indian Penal Code.

The prosecution case is that Kaimur unit of Bihar State
Food and Civil Supplies Corporation Ltd. supplied 5240 quintals
of paddy to the petitioner being rice miller under an agreement
during the agricultural years 2012-13 in lieu thereof the petitioner
was supposed to supply 3540 quintals of custom milled rice. The
petitioner supplied only 1886 quintals of processed rice but failed
to supply 1623.70 quintals of processed rice worth
Rs.35,16,229.78/-.



It is submitted by the learned counsel for the petitioner that the rice could not be supplied due to supply of poor quality of paddy and the apathetic attitude of the officials of The Bihar State Food and Civil Supplies Corporation Ltd. Moreover, 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. Shailendra Kumar Singh, 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. 128 of 2014-15. However, it is submitted by learned counsel for the petitioner that the petitioner is ready deposit 20% of the alleged due amount through bank draft in favour of Bihar State Food and Civil Supplies Corporation Ltd. 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 learned CJM, Kaimur in connection with Mohania P.S. Case No. 135 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 six months in favour of Bihar State Food and Civil Supplies, Corporation Ltd., Patna.

(Dinesh Kumar Singh, J)

Anil/-

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