

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37342 of 2015

Arising Out of PS.Case No. -164 Year- 2015 Thana -SUPAUL District- SUPAUL

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1. Sachchidanand Prasad Jaiswal @ Sachchidanand Jaiswal Son of Kako Prasad Jaiswal, Resident of Chandan Nagar, Bypass Road, Gulab Bagh, P.S. Sadar, District- Punea owner of Vijay Mini Rice Mill.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The District Manager Bihar State Food & Civil Supply Corporation Supaul.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dr. Bidhu Ranjan, Advocate

For the Opposite Party/s : Mr. Tapeswar Sharma (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 16-09-2015 Heard learned counsel for the petitioner and the State.

The petitioner being a rice miller apprehending his arrest in a case registered for the offences punishable under Sections 406, 409, 420, 120B of the Indian Penal Code.

The prosecution case is that under an agreement the petitioner being the rice miller was supplied 3561.60 quintals of paddy by the Supaul unit of The Bihar State Food and Civil Supplies Corporation during the procurement years 2012-13 in lieu thereof he was supposed to supply 2368.30 quintals of custom milled rice but the petitioner supplied only 1620 quintals of custom milled rice and failed to supply 766.30 quintals of processed rice worth Rs. 16,59,468.63/-.

It is submitted that processed rice could not be



supplied due to laches on the part of the authorities of Bihar State Food Civil 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. The Certificate Proceeding has already been initiated and 20% of the alleged dues come to Rs. 3,32,000/- out of which Rs. 3,00,000/- have already been deposited.

It is admitted by learned counsel for the Bihar State Food and Civil supplies Corporation that the petitioner have already deposited Rs. 3,00,000/- and B.S.F.C. has no objection if the petitioner deposits Rs. 32,000/- before execution of bail bonds.

However, it is submitted by learned counsel for the petitioner that the petitioner will deposit Rs. 32,000/- through bank draft in favour of the Bihar State Food and Civil Supplies Corporation. Though statement to that effect has not been made in the petition.

Considering the aforesaid facts, let the above named petitioner be released on bail in the event of his arrest or surrender before the learned court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Supaul in connection with Supaul P.S. Case No. 164 of 2015, subject to conditions as laid down under Section 438(2) of the

Indian Penal Code.

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 bail bond of the petitioner will be accepted by the learned court below on submission of the proof with regard to deposit of Rs. 32,000/- in favour of the Bihar State Food and Civil Supplies Corporation, Patna.

(Dinesh Kumar Singh, J)

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