

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33071 of 2015

Arising Out of PS.Case No. -93 Year- 2015 Thana -KUDRA District- BHABHUA (KAIMUR)

1. Jitendra Kumar Singh son of Suryanath Singh Resident of Village-
Belbhadra, P.s kudra, District Kaimur at Bhabua(Bihar)

.... Petitioner/s

Versus

1. The State of Bihar
2. District Manager, State Food Corporation , Kaimur at Bhabua.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dhanendra Chaubey

For the Opposite Party/s : Mr. Manish Kumar No.2(App)

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

6000 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 4020

quintals of custom milled rice. The petitioner supplied only

1077 quintals of processed rice but failed to supply 2942.16

quintals of processed rice worth Rs.63,71,424.02/-.

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. Moreover, the security to the tune of Rs.77,00,000/- is lying before the BSFC and that is more than the amount claimed to be due by the BSFC..

It is submitted by Mr. Shailendra Kumar Singh, learned counsel for the BSFC that 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 further submitted that the petitioner failed to make supply within time frame i.e. 31.12.2013. The present FIR has been lodged in consonance to the terms of agreement and the question of adjustment of security amount will be decided in certificate proceeding. However, it is submitted by learned counsel for the petitioner that the petitioner is ready deposit 20% of the alleged due amount of Rs.63,71,424.02 through bank draft in favour of Bihar State Food and Civil Supplies Corporation in four bi-monthly equal installments within



eight months 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 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, Kaimur at Bhabhua in connection with Kudra P.S. Case No. 93 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. It is made clear that this court is not expressing any opinion with regard to the contention of learned counsel for the petitioner on adjustment of security amount, if any. However, it is open for the petitioner to raise all these points in the certificate 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 four equal bi-monthly installments in favour of Bihar State Food and Civil Supplies, Corporation Ltd., Patna.

(Dinesh Kumar Singh, J)

Anil/-

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