

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33500 of 2015

Arising Out of PS.Case No. -227 Year- 2015 Thana -BANKA District- BANKA

Sikandar Prasad, son of Jagdish Mandal

.... Petitioner/s

Versus

1. State of Bihar
2. The District Manager, Bihar State Food Corporation, Banka

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sushmita Mishra, Advocate/
For the Opposite Party/s : Mr. Prem Kumar Jha(App)
For the BSFC : Mr. A. N. Rai, Advocate

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 01-09-2015 Heard learned counsels for the petitioner and Bihar
State Food and Civil Supplies Corporation Ltd.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 406 and 420 of the Indian Penal Code.

The prosecution case is that under an agreement the petitioner being rice miller was supplied 1852 quintals of paddy by the Banka unit of Bihar State Food and Civil Supplies Corporation Ltd. during the agriculture years 2011-12 in lieu thereof he was supposed to supply 1240 quintals of custom milled rice. The petitioner supplied only 810 quintals of custom milled rice but failed to supply 430.84 quintals of processed rice worth ₹6,19,945/-.



It is submitted by learned counsel for the petitioner that processed rice could not be supplied due to laches on the part of the authorities of the Bihar State Food and Civil Supplies Corporation Ltd. and under the terms of agreement due amount was to be recovered by initiating certificate proceeding. Consequently, the Certificate Case No. 5/2013-14 was also initiated. During certificate proceeding the petitioner has already deposited ₹3,00,000/- (three lack). Learned counsel for the petitioner further submits that ₹50,000/- was given as an advance and under the terms of agreement adjusting the carriage charges now the petitioner is supposed to deposit only ₹2,20,455/-. The petitioner is ready to deposit the said amount in seven equal monthly installments.

Deposit of ₹3,00,000/- by the petitioner and adjustment of ₹50,000/- under the terms of agreement are not disputed by Mr. A. N. Rai learned counsel representing the Bihar State Food and Civil Supplies Corporation Ltd.

The petitioner undertakes to submit bank draft of ₹2,20,455/-, in seven equal monthly installments, within a period of seven months through bank draft in favour of the Bihar State Food and Civil Supplies Corporation Ltd., Patna.

Considering the present stand of the petitioner, let

the above named petitioner be released on provisional anticipatory bail for eight 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) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Banka in connection with Banka P.S. Case No.227 of 2015, subject to the conditions as laid down under Section 438(2) Cr.P.C.

The provisional bail of the petitioner will be confirmed by the learned court below on submission of bank draft of ₹2,20,455/-, within a period of seven months.

Ashwini/-

(Dinesh Kumar Singh, J)

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