

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32807 of 2015

Arising Out of PS.Case No. -57 Year- 2015 Thana -BARUN District- AURANGABAD

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Pramod Kumar, Son of Om Prakash Singh, Proprietor of M/s Pramod Modern Mini Rice Mill, Tegra resident of village – Bishun Bigha, P.S. Barun, District – Aurangabad.

.... Petitioner/s

Versus

1. The State of Bihar
2. The District Manager, Bihar State Food and Civil Supplies Corporation, Aurangabad, District – Aurangabad.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sumeet Kumar Singh

For the Opposite Party/s : Mr. Pronati Singh (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

02/ 10-08-2015

Heard learned counsels for the petitioner

and the State.

The petitioner being a rice miller is apprehending his 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 Bihar State Food and Civil Supplies Corporation supplied 4394.31 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 2944.20 quintals of custom milled rice being 67% of the supplied paddy. The

petitioner supplied only 1080.00 quintals of custom milled rice and failed to supply 1864.20 quintals of custom milled rice worth Rs.40,37,011/-.

It is submitted by learned counsel for the petitioner that the rice could not be supplied due to 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 and the certificate proceeding being Certificate Case No. 57/2014-15 has already been initiated.

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. 31.1.2.2013. 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 The 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 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, Aurangabad in connection with Barun P.S. Case No. 57 of 2015, subject to the conditions as laid down under Section 438(2) of the 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 The Bihar State Food and Civil Supplies Corporation Ltd., Patna.

(Dinesh Kumar Singh, J)

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