

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34394 of 2015

Arising Out of PS.Case No. -384 Year- 2015 Thana -SASARAM MUFFSIL District- SASARAM
(ROHTAS)

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Ram Dular Singh (Proprietor of Patel Mini Rice Mill, Beda) S/o Late
Chandra Dhan Singh Resident of Village Beda, Police Station Sasaram (M),
District Rohtas.

.... Petitioner/s

Versus

1. The State of Bihar.
2. District Manager, Bihar State Food and Civil Supplies Corporation Ltd.,
Rohtas.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sandip Singh

For the Opposite Party/s : Mr. Rajendra Nath Jha (App)

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH**
ORAL ORDER

02/ 14-08-2015

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 of the Indian Penal
Code.

The prosecution case is that Rohtas unit of
Bihar State Food and Civil Supplies Corporation supplied
8814.73 quintals of paddy to the petitioner being rice miller
under an agreement during the agricultural year 2011-12 and in
lieu thereof the petitioner was supposed to supply 5905.87

quintals of custom milled rice. The petitioner supplied only 3477.30 quintals of custom milled rice and failed to supply 1903.13 quintals of custom milled rice worth Rs.46,21,884.42/-.

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.

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. 31.12.2012.

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 five months.

Considering the present stand of the petitioner, let the above named petitioner be released on provisional anticipatory bail for six 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, Rohtas at Sasaram in connection with Sasaram (M) P.S. Case

No. 384 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 five months in favour
of The Bihar State Food and Civil Supplies Corporation Ltd.,
Patna.

(Dinesh Kumar Singh, J)

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