

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Criminal Miscellaneous No.34183 of 2015**

Arising Out of PS.Case No. -123 Year- 2015 Thana -DINARA District- SASARAM (ROHTAS)

Raju Singh S/o Sri Ramashish Singh

.... .... Petitioner/s

Versus

The State of Bihar

.... .... Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Ashutosh Ranjan Pandey, Advocate

For the Opposite Party/s : Mr. Vinod Shankar Modi(App)

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

**ORAL ORDER**

2 19-08-2015

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, 409 and 420 of the Indian Penal Code.

The prosecution case is that under an agreement the petitioner being rice miller was supplied 11420 quintals of paddy by the Rohtas unit of Bihar State Food and Civil Supplies Corporation Ltd. during the agriculture years 2012-13 in lieu thereof he was supposed to supply 7651.40 quintals of custom milled rice. The petitioner supplied only 3765 quintals of custom milled rice but failed to supply 3886.40 quintals of processed rice worth ₹84,16,232.38/-.

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 proceeding was also initiated being Certificate Case No.19/2014-15. Though, in certificate proceeding, the claim has been made for ₹84,16,232.38/- but before the learned court below the claim was only made for ₹78,32,180.85/-. Moreover, the petitioner has already deposited ₹3,20,000/-.

It is submitted by Mr. Shailendra Kumar Singh, learned counsel for the Bihar State Food and Civil Supplies Corporation Ltd. that the actual due amount is ₹84,16,232.38/- but by mistake before the learned court below the claim was made for ₹78,32,180.85/- and under the agreement legal action is permissible for recovery of due amount, hence, the FIR has been lodged. He further submits ₹3,20,000/-, as claimed to have been deposited by the petitioner, will be adjusted against the amount now the petitioner will deposit.

The learned counsel for the petitioner submits that the petitioner is ready to submit bank draft of 20% of alleged due amount of ₹84,16,232.38/-, within a period of nine months, in four bi-monthly equal installments, through bank draft in favour of the Bihar State Food and Civil Supplies Corporation Ltd., Patna. The said 20% of the due amount will include ₹3,20,000/-, as

claimed to have already deposited by the petitioner. 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 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 Sub-Divisional Judicial Magistrate, Bikramganj, Rohtas in connection with Dinara P.S. Case No.123 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 20% of alleged due amount of ₹84,16,232.38/-, which includes ₹3,20,000/-, within a period of nine months.

The above deposit will be subject to any proceeding pending or initiated for recovery of due amount but the same will not be treated as an admission of the petitioner against the claim of the informant.

(Dinesh Kumar Singh, J)

Ashwini/-

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