

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33060 of 2015

Arising Out of PS.Case No. -228 Year- 2015 Thana -BANKA District- BANKA

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1. Dilip Sah son of Babu Lal Sah Resident of Village and Post- Krishnadih,
Dhakamore, P.s and District Banka.

.... Petitioner/s

Versus

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

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar Singh
For the Opposite Party/s : Mr. Jagdhar Pd.(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 11-08-2015 Heard learned counsel 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 and 420 of the Indian Penal Code.

The prosecution case is that the Banka Unit of Bihar State Food and Civil Supplies Corporation Ltd. Supplied 9851.32 quintals paddy to the petitioner being a rice miller under an agreement in lieu thereof the petitioner was supposed to supply 6600.38 quintals of custom milled rice. Petitioner supplied 3780 quintals of rice but failed to supply 2820 quintals of rice worth Rs. 61,07,702.00.



It is submitted by the 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 Demand Recovery Act, 1914 or through arbitration and the certificate proceeding has already been initiated.

It is submitted by the learned counsel for the BSFC that the petitioner failed to make supply within stipulated time. However, it is submitted by learned counsel for the petitioner that the petitioner is ready to deposit 20% of the alleged due amount through bank draft in favour of the State Food and Civil Supplies Corporation Ltd. within a period of seven months.

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 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 like amount each to the satisfaction of learned Chief Judicial Magistrate, Banka in Banka P.S. Case No. 228 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 20% of the due amount through bank draft within a period of seven months in favour of the Bihar State Food and Civil Supplies Corporation, Patna. The above payment will be subject to the Certificate case but the same will be treated as admission of the petitioner against the claim of the informant.

(Dinesh Kumar Singh, J)

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