

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32465 of 2015

Arising Out of PS.Case No. -125 Year- 2015 Thana -KARAHGAR District- SASARAM (ROHTAS)

Sanjay Rai Son of Raj Bans Rai

.... Petitioner/s

Versus

1. The State of Bihar
2. Bihar State Food & Civil Supplies Corporation Limited Patna.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar, Advocate
For the Opposite Party/s : Mr. Uma Shankar Prasad Singh (App)
For the BSFC : Mr. Anurag Saurav, Advocate

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 10-08-2015 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 409, 406 and 420 of the Indian Penal Code.

The prosecution case is that under an agreement the petitioner being rice miller was supplied 7062 quintals of paddy by the Rohtas unit of Bihar State Food and Civil Supplies Corporation Ltd. during the agriculture season 2011-12 in lieu thereof he was supposed to supply 4741.54 quintals of custom milled rice. The petitioner supplied only 3484.90 quintals of custom milled rice but failed to supply 1246 quintals of processed rice worth ₹23,72,517.98/-.

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 the authorities have wrongly calculated the quantity of CMR supplied by the petitioner, which has been challenged in CWJC No.5708 of 2015, the same is still pending.

It is submitted by learned counsel for the Bihar State Food and Civil Supplies Corporation Ltd. that the petitioner failed to supply the processed rice within stipulated period i.e. 31.12.2012 and under the agreement, the Bihar State Food and Civil Supplies Corporation Ltd. was empowered to initiate legal action for recovery of due amount.

However, the petitioner undertakes to submit bank draft of 20% of alleged due amount of ₹23,72,517.98/- within a period of five months through bank draft in favour of the Bihar State Food and Civil Supplies Corporation Ltd., Patna. 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 six 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, Rohtas at Sasaram in connection with Karhgar P.S. Case No.125 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 ₹23,72,517.98/-within a period of five 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.

Ashwini/-

(Dinesh Kumar Singh, J)

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