

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37384 of 2015

Arising Out of PS.Case No. -64 Year- 2015 Thana -SHIVSAGAR District- SASARAM (ROHTAS)

Vishnu Shankar Pandey, son of Late Ram Das Pandey

.... Petitioner/s

Versus

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

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashutosh Ranjan Pandey, Advocate
For the Opposite Party/s : Mr. G.S. Gupta (App)
For the BSFC : Mr. Nirmal Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 15-09-2015 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 and 420 of the Indian Penal Code.

The prosecution case is that under an agreement the petitioner being rice miller was supplied 4580 quintals of paddy by the Sasaram unit of Bihar State Food and Civil Supplies Corporation Ltd. during the procurement years 2011-12 in lieu thereof he was supposed to supply 3068.60 quintals of custom milled rice. The petitioner supplied only 1877.10 quintals of custom milled rice but failed to supply 1191.50

quintals of processed rice worth ₹22,67,579.40/-.

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 there are huge discrepancies between the quantum of rice supplied by the Bihar State Food and Civil Supplies Corporation Ltd. and the actual supply of rice made by the petitioner as a result the calculation of alleged due amount has become fallacious.

It is submitted by Mr. Nirmal Kumar, 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.

Learned counsel for the petitioner further submits that the petitioner undertakes to deposit 20% of alleged due amount of ₹22,67,579.40/- within a period of four months, in four monthly equal installments, 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 five 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 CJM, Rohtas, Sasaram in connection with Shivsagar P.S. Case No.64 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 alleged due amount of ₹22,67,579.40/- in four equal monthly installments through bank draft.

The above deposit will be subject to any proceeding pending or being 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.

It is further clarified that the present order will not be treated as any opinion with regard to the dispute of quantum of paddy supplied to the petitioner and the quantum of rice supplied by the petitioner.

(Dinesh Kumar Singh, J)

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