

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36073 of 2015

Arising Out of PS.Case No. -90 Year- 2015 Thana -SHIVSAGAR District- SASARAM (ROHTAS)

Santosh Kumar Singh @ Santosh Singh

.... Petitioner/s

Versus

State of Bihar & Anr

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhinay Raj

For the Opposite Party/s : Mr. Anuj Kr.Srivastav(App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 07-09-2015

Heard learned counsels for the petitioner and the
State.

The petitioner is apprehending arrest in a case
registered for the offences punishable under Sections 406 and 420
of the Indian Penal Code.

The prosecution case is that under an agreement the
during the agriculture year 2012-13, petitioner being the rice
miller was supplied 3722 quintals of paddy by the Rohtas unit of
The Bihar State Food and Civil Supplies Corporation Ltd., in lieu
thereof the petitioner was supposed to supply 2492.40 quintals of
custom milled rice and he supplied only 537.50 quintals of custom
milled rice but failed to supply 1954.90 quintals of processed rice
worth ₹42,33,453.24/-.

It is submitted that processed rice could not be



supplied due to laches on the part of the authorities of Bihar State Food Corporation Ltd. and under the agreement there is provision of recovery of alleged amount by initiating certificate proceeding, consequently the certificate proceeding has been initiated vide Certificate Case No. 88 of 2014-15. The petitioner is still ready to supply the balance processed rice.

It is submitted by Mr. Awadhesh Kumar Singh, 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. 31.12.2013 and under the agreement, the Bihar State Food and Civil Supplies Corporation was authorized to initiate legal action for recovery of due amount.

The petitioner undertakes to deposit of 20% of alleged due amount of ₹42,33,453.24/-within a period of five months in five monthly equal installment 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 J.M., 1st Class, Rohtas at Sasaram in connection with Shiv Sagar P.S. Case No. 90 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 ₹42,33,453.24/- within a period of five months.

The above deposit will be subject to the certificate proceeding but the same will not be treated as an admission of the petitioner against the claim of the informant.

(Dinesh Kumar Singh, J)

Amrendra/-

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