

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38031 of 2015

Arising Out of PS.Case No. -45 Year- 2015 Thana -KOCHAS District- SASARAM (ROHTAS)

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1. Tarachand Gupta son of Late Wachas Rai, Proprietor Maa Parvati Mini Rice Mill, Rupibandh, Parsthua, P.S.- Parsthua, O.P. Kochas (Rohtas), Bihar

.... Petitioner/s

Versus

1. The State of Bihar
2. BSFC, Rohtas through District Manager, Rohtas

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Tuhin Shankar
For the Opposite Party/s : Mr. Hirday Pd. Singh(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 22-09-2015 Heard learned counsels for the petitioner and the State.

The petitioner being a rice miller 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 Sasaram unit of Bihar State Food and Civil Supplies Corporation Ltd. supplied 6820 quintals of paddy to the petitioner being rice miller under an agreement during the procurement years 2012-13 in lieu thereof the petitioner was supposed to supply 4569.40 quintals of custom milled rice. The petitioner supplied only 2154.10 quintals of processed rice but failed to supply 2415.30 quintals of processed rice worth Rs.52,30,477.07/-.



It is submitted by the learned counsel for the petitioner that the rice could not be supplied due to supply of poor quality of paddy and the apathetic attitude of the officials of The Bihar State Food and Civil Supplies Corporation Ltd. Moreover, under agreement the due amount was supposed to be realized by initiating certificate proceeding under the provision of Bihar and Orissa Public Demands Recovery Act, 1914 or through arbitration.

It is submitted by Mr. Awadhesh Kumar, learned counsel for the BSFC that the petitioner failed to make supply within time frame i.e. 31.12.2013 and the BSFC has already initiated certificate proceeding vide Certificate Case No. 64 of 2014-15.

However, it is submitted by learned counsel for the petitioner that the petitioner will deposit 20% of the alleged due amount through bank draft in favour of Bihar State Food and Civil Supplies Corporation Ltd. in five equal monthly installments within five months 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 six weeks from today on

furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned ACJM, Rohtas in connection with Kochas Parsathua P.S. Case No. 45 of 2015 subject to the conditions as laid down under Section 438(2) Cr.P.C.

The aforesaid deposit will not be treated to be an admission of the petitioner with regard to the claim of the informant but the same will be subject to the certificate proceeding or any legal proceeding.

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 five months in five equal monthly installments in favour of Bihar State Food and Civil Supplies, Corporation Ltd., Patna.

(Dinesh Kumar Singh, J)

Anil/-

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