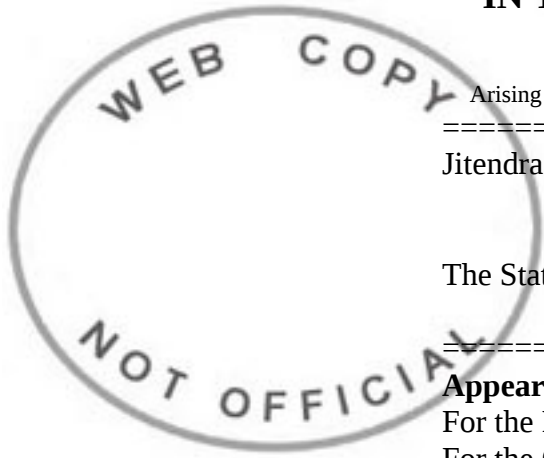




IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37344 of 2015

Arising Out of PS.Case No. -21 Year- 2015 Thana -NATWAR District- SASARAM (ROHTAS)

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Jitendra Kumar

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rewti Kant Raman

For the Opposite Party/s : Mr. S.Dayal(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 17-09-2015 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, 407, 467, 468, 120B and 420 of the Indian Penal Code.

The prosecution case is that under an agreement the during the agriculture year 2011-12, petitioner being the rice miller was supplied 15400 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 10318 quintals of custom milled rice and he supplied only 8340.15 quintals of custom milled rice but failed to supply 1977.85 quintals of processed rice worth ₹3764105.67/-.

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. The petitioner disputes the quantity of paddy supplied to him. Moreover, the FIR reflects that the petitioner has deposited ₹2,00,000/- but due amount remains to the tune of ₹1764105.67/-. The petitioner is still ready to supply the balance processed rice.

It is submitted by Mr. Shailendra Kumar Singh, learned counsel for The Bihar State Food and Civil Supplies Corporation Ltd. that the petitioner has deposited ₹200000/- but due to mistake in the FIR the due amount has been mentioned as ₹1764105.67/- instead of ₹3564105/- and for making correction in the FIR, application has been filed before the learned court below. 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 is entitled to initiate legal action for recovery of due amount.

The petitioner undertakes to deposit of 20% of alleged due amount of ₹3764105.67/- which includes ₹2,00,000/- within a period of six months in six equal monthly 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 seven 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 at Sasaram in connection with Natwar P.S. Case No. 21 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 ₹3764105/- which includes ₹200000/- already deposited within a period of six months and in six equal monthly installments in favour of Bihar State Food and Civil Supplies Corporation Ltd.

The above deposit will be subject to the any proceeding pending or filed for recovery of due amount but the same will not be treated as an admission of the petitioner towards the claim of the informant.

It is made clear that that this Court has not opined

with regard to dispute of the quantum of paddy supplied to the petitioner and the quantum of CMR supplied by the petitioner to FCI.

(Dinesh Kumar Singh, J)

Amrendra/-

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