

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36120 of 2015

Arising Out of PS.Case No. -17 Year- 2015 Thana -BADHAILA District- SASARAM (ROHTAS)

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Ram Suresh Singh, son of late Ramashray Singh

.... Petitioner/s

Versus

1. State of Bihar
2. Bihar State Food and Civil Supplies Corporation Limited, Patna

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar, Advocate
For the Opposite Party/s : Mr. Md.Arif(App)
For the BSFC : Mr. A. N. Rai, Advocate

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 08-09-2015

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 406 and
420 of the Indian Penal Code.

The prosecution case is that under an agreement the
petitioner being rice miller was supplied 6100 quintals of
paddy by the Rohtas unit of Bihar State Food and Civil Supplies
Corporation Ltd. during the procurement years 2012-13 in lieu
thereof he was supposed to supply 4087 quintals of custom
milled rice. The petitioner supplied only 2967.80quintals of
custom milled rice but failed to supply 1005 quintals of
processed rice worth ₹21,76,387.80/-.

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 under the terms of agreement due amount was to be recovered by initiating certificate proceeding. Consequently, the certificate proceeding was also being Certificate Case No. 40/2014-15 and the petitioner has already deposited ₹2,47,956/-.

It is submitted by Mr. A. N. Rai, 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 Ltd. was empowered to initiate legal action for recovery of due amount. Consequently, the FIR was instituted. Although, he admits deposit of ₹2,47,956/- by the petitioner.

Learned counsel for the petitioner further submits that the petitioner undertakes to submit bank draft of 20% of alleged due amount of ₹21,76,387.80/-, within a period of four months, in four 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 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 Judicial Magistrate, 1st Class, Sasaram, Rohtas in connection with Baghaila P.S. Case No.17 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 ₹21,76,387.80/- in four equal monthly installments, which will include ₹2,47,956/- already deposited by the petitioner.

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.

(Dinesh Kumar Singh, J)

Ashwini/-

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