
- Versus Petitioner/s

- Opposite Party/s

For the Opposite Party/s : Mr. Md.Sufiyan (App)

4 09-10-2015 Heard learned counsels for the petitioner
and the State.

The matter was adjourned since F.I.R was not very specific with regard to the quantum of paddy supplied and the CMR supplied by the petitioner.

On instruction, Mr. Gopal Krishna, learned counsel for the Bihar State Food & Civil Supplies Corporation submits that petitioner was supplied 1700 quintals of paddy by the Sasaram unit of The Bihar State Food & Civil Supplies Corporation Limited under agreement during the procurement years 2012-13, in lieu thereof the petitioner was supposed to

supply 1139 (67% of paddy supplied) quintals of Custom Milled Rice(CMR). The petitioner supplied only 538.50 quintals and failed to supply 650 quintals of Custom Milled Rice worth Rs. 13,00,418.78/-.

It is submitted by learned counsel for the petitioner that petitioner was actually supplied 1300 quintals of paddy. Hence the entire calculation with regard to the paddy supplied and the due amount are absolutely misconceived.

However, learned counsel for the petitioner admits that petitioner is ready to deposit 20% of the alleged due amount within a period of four months in four equal monthly installments through bank draft in favour of The Bihar State Food & Civil Supplies Corporation Limited, Patna. Though statement to that effect has not been made in the petition.

Considering the present stand of the petitioner, let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of 12 weeks from today, be released on provisional anticipatory bail for five months on furnishing bail bond of Rs. 10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class-cum-Additional Munsif-VII, Sasaram, Rohtas in connection with Chenari P.S. Case No. 70 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

The provisional bail of the petitioner will be confirmed by learned Court below on deposit of 20% of the alleged due amount within a period of four months in four equal monthly installments through bank draft in favour of The Bihar State Food & Civil Supplies Corporation Limited, Patna.

The aforesaid deposit will be subject to 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)

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