

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40035 of 2015

Arising Out of PS.Case No. -164 Year- 2015 Thana -MADHUBANI TOWN District-
MADHUBANI

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1. Pawan Kumar Son of Late Radha Krishna Sah Resident of village P.O.
& P.S. Piro, District - Bhojpur

.... Petitioner/s

Versus

1. The State of Bihar
2. The Bihar State Food & Civil Supplies Corporation Limited, through its
District Manager ast Madhubani

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Suraj Samdarshi, Advocate

For the Opposite Party/s : Mr. Indra Kr.Singh(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 07-10-2015 Heard learned counsel for the petitioner and the
State.

The petitioner being a rice miller apprehending his
arrest in a case registered for the offences punishable under
Sections 406, 409, 420 of the Indian Penal Code.

The prosecution case is that under an agreement
the petitioners being the rice miller were supplied 67054.07
quintals of paddy by the Madhubani unit of The Bihar State
Food and Civil Supplies Corporation during the procurement
years 2012-13 when he was supposed to supply 44927.35
quintals of custom milled rice but the petitioner supplied only
28661.44 quintals of custom milled rice and failed to supply
16265.91 quintals of processed rice worth Rs. 3,52,24,804.24/-



It is submitted by the learned counsel for the petitioner that processed rice could not be supplied due to laches on the part of the authorities of Bihar State Food Civil and Civil Supplies Corporation and 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. Satyendra Narayan Singh, learned counsel for the Bihar State Food and Civil supplies Corporation 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 has already initiated legal proceeding being Certificate Case No. 09 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 the Bihar State Food and Civil Supplies Corporation within a period of one year in six bi monthly equal installment.

Considering the present stand of the petitioner, let the above named petitioner be released on provisional anticipatory bail for 13 months, in the event of arrest or surrender before the learned court below within a period of twelve 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 the learned Chief Judicial Magistrate, Madhubani in connection with Madhubani Town P.S. Case No. 164 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 draft of 20% of alleged due amount within a period of one year in six bi monthly equal installments in favour of the Bihar State Food and Civil Supplies Corporation, Patna.

(Dinesh Kumar Singh, J)

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