

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41906 of 2015

Arising Out of PS.Case No. -69 Year- 2015 Thana -NAWANGAR District- BUXAR

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1. Santosh Kumar, son of Sri Awadh Narayan Prasad, Resident of Village-
Parmanpur (New Anpurna Rice Mill), P.S.- Nawanagar, District- Buxar.

.... Petitioner/s

Versus

1. The State of Bihar
2. District Manager Bihar State Civil Supply Food Corporation, Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dr. Chandra Shekhar Azad
For the Opposite Party/s : Mr. Awadhesh Kr.Singh(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 12-10-2015

Heard learned counsels for the petitioner and
the State.

Petitioner is 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 the petitioner
being rice miller was supplied 3666.58 quintals of paddy by the
Buxar unit of The Bihar State Food & Civil Supplies
Corporation Limited under agreement during the procurement
years 2011-12, in lieu thereof the petitioner was supposed to
supply 2456.61 (67% of paddy supplied) quintals of Custom
Milled Rice(CMR) worth Rs. 46,75,246/- but the petitioner
failed to supply the same.

It is submitted by learned counsel for the
petitioner that custom milled rice could not be supplied due to

the latches on the part of the authorities of The Bihar State Food & Civil Supplies Corporation Limited. The agreement stipulates recovery of due amount through initiation of certification proceeding under Bihar & Orissa Public Demands Recovery Act, 1914 and consequently Certificate Case No. 11 of 2014-15 has already been initiated.

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.

Mr. Lokesh, learned counsel for the Bihar State Food & Civil Supplies Corporation accepts the offer of the petitioner.

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 Chief Judicial Magistrate, Buxar in connection with Nawanagar P.S. Case No. 69 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 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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