

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41322 of 2015

Arising Out of PS.Case No. -90 Year- 2015 Thana -DUMRA District- SITAMARHI

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1. Pradip Kumar, S/o Dinanath Prasad, Resident of Village- Lagunaha, P.S.-
Bagha, Dstrict- West Champaran.

.... Petitioner/s

Versus

1. The State of Bihar
2. The District Manager, B.S.F.C., West Champaran

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dhananjaya Nath Tiwari

For the Opposite Party/s : Mr. Smt. Indu Kumari Srivastava (App)

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH**
ORAL ORDER

2 08-10-2015 Learned counsel for the petitioner is permitted to
make correction in the petition during course of the day.

Heard learned counsel for the petitioner and the
State.

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

The prosecution case is that under an agreement
the petitioner being the rice miller was supplied 3633.68
quintals of paddy by the Sitamarhi unit of The Bihar State Food
and Civil Supplies Corporation during the procurement years
2012-13 in lieu thereof he was supposed to supply 2434.51

quintals of custom milled rice but the petitioner did not supply the same, hence the due amount remains Rs. 52,72,077.48/-.

It is submitted 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. Consequently Certificate Case No. 20 of 2014-15 has been initiated.

It is submitted by 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.

However, it is submitted by learned counsel for the petitioner that the petitioner will deposit 20% of the alleged due amount of Rs. 52,72,077.48/- through bank draft in favour of the Bihar State Food and Civil Supplies Corporation within six months in six equal monthly equal installments.

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 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, Sitamarhi in connection with Dumra P.S. Case No. 90 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 six months in six equal monthly installments in favour of the Bihar State Food and Civil Supplies Corporation, Patna.

(Dinesh Kumar Singh, J)

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