

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40928 of 2015

Arising Out of PS.Case No. -61 Year- 2015 Thana -CHENARI District- SASARAM (ROHTAS)

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Lal Saheb Singh S/o late Ram Keshwar Singh r/o Village+P.O. Sahpur
Telari P.s Chenari, District Rohtas.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The District manager, State Food Corporation , Rohtas, Sasaram.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Prabhat Ranjan Singh, Advocate

For the Opposite Party/s : Mr. P.K.Jha (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 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 18000 quintals of paddy by the Rohtas unit of Bihar State Food and Civil Supplies Corporation Ltd. during the procurement years 2011-12 in lieu thereof he was supposed to supply 12060 quintals of custom milled rice. The petitioner supplied only 10758.50 quintals of custom milled rice but failed to supply 1301.95 quintals of

processed rice worth ₹24,77,780.10/-.

It is submitted by learned counsel for the petitioner that actually 17100 quintals CMR supplied to the petitioner. He further submits 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 initiated being Certificate Case No. 46/2013-14. Moreover, the petitioner has deposited rupees two lakhs on 06.08.2013.

It is submitted by learned counsel for the Bihar State Food and Civil Supplies Corporation Ltd. that the due amount mentioned in the FIR is correct but admits that petitioner deposited rupees two lakhs.

Learned counsel for the petitioner further submits that the petitioner is ready to submit bank draft of 20% of alleged due amount of ₹24,77,780.10/-within a period of three months, in three equal installments, through bank draft in favour of the Bihar State Food and Civil Supplies Corporation Ltd., Patna, which includes rupees two lakhs already deposited. 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 four 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 CJM, Rohtas, Sasaram in connection with Chenari P.S. Case No.61 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 ₹24,77,780.10/-, which includes rupees two lakhs already deposited by the petitioner, within a period of three months, in three equal installments.

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)

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