

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43147 of 2015

Arising Out of PS.Case No. -97 Year- 2015 Thana -CHAPRA TOWN District- SARAN

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Rakesh Kumar Singh son of late Yogendra Singh, resident of village-
Rauja, P.S.- Chapra Town, Dist- Saran.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Bihar State Food and Civil Supplies Corporation Ltd. through its
Managing Director, Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Neeraj Kumar Alias Sanidh

For the Opposite Party/s : Mr. Md.Ataur Rahman (APP)

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CORAM: HONOURABLE MR. JUSTICE RAMESH KUMAR DATTA
ORAL ORDER

3 10-11-2015 Heard learned counsel for the petitioner and

learned Additional Public Prosecutor for the State as also learned

Standing Counsel for the Bihar State Food and Civil Supplies

Corporation Ltd.

The petitioner prays for anticipatory bail in a case
under Section 409 of the Indian Penal Code and Section 7 of the
Essential Commodities Act.

It is submitted by learned counsel for the
petitioner that the matter relates to supply of CMR rice by the
petitioner after milling the paddy that was supplied by the Bihar
State Food and Civil Supplies Corporation and the entire aspect
of the matter was exclusively upon the agreement between the



parties and on failure of the petitioner to supply, any amount due and payable to the Corporation can be recovered by the coercive process under the Bihar Public Demand Recovery Act and, as a matter of fact, the Corporation has filed Certificate Cases against the petitioner. It is thus, submitted that in view of the fact that the case is of civil nature and recovery can only be made by the coercive process of certificate case, the opposite parties cannot be permitted to argue that the anticipatory bail should be refused to the petitioner merely on the ground that certain amounts are due against him.

Learned counsels for the opposite parties have relied upon different orders of this Court which range from cases where anticipatory bail has been granted on payment of 100% of the dues to less than that of 30% or 20% of the dues as also a large number of persons have been granted bail without any direction for payment of any amount.

On a consideration of the facts and circumstances of the case, it is directed that the petitioner Rakesh Kumar Singh in the event of his arrest/surrender in the court below within a period of four weeks from today, shall be released on bail on furnishing bail bond of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each in connection with Chapra

Town P.S. Case No. 97 of 2015 to the satisfaction of the Chief
Judicial Magistrate, Chapra at Saran subject to the other
conditions as laid down under Section 438(2) Cr.P.C.

(Ramesh Kumar Datta, J)

S.Pandey/-

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