

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.40323 of 2015**

Arising Out of PS.Case No. -557 Year- 2013 Thana -SUPAUL District- SUPAUL

Sanjeev Kumar

.... .... Petitioner/s

Versus

State of Bihar & Anr

.... .... Opposite Party/s

**Appearance :**

For the Petitioner : Mr. Shubhesh Pandey, Adv.  
For the BSFC : Mr. Awadhesh Kumar, Adv.  
For the State : Mr. U.S.P.Singh(App)

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

2 05-10-2015

The matter has been listed out of turn with the consent of Mr. Sailendra Kumar Singh, learned counsel for BSFC.

The petitioner is apprehending arrest in a case registered for the offences punishable under Section 409 of the Indian Penal Code.

The prosecution case is that under an agreement the during the agriculture year 2011-12, petitioner being the rice miller was supplied 23830.95 quintals of paddy by the Supaul unit of the Bihar State Food and Civil Supplies Corporation Ltd., in lieu thereof the petitioner was supposed to supply 15966.76 quintals of custom milled rice but he supplied only 10260 quintals of custom milled rice and failed to supply 5706.73 quintals of processed rice worth ₹1,08,60,649.06/-.

It is submitted that processed rice could not be



supplied due to laches on the part of the authorities of the Bihar State Food Corporation Ltd., and under the agreement there is provision of recovery of alleged amount by initiating certificate proceeding though Certificate Case No. 56 of 2013 has already been initiated wherein the petitioner has entered his appearance. The petitioner is still ready to supply the balance processed rice.

It is submitted by Mr. Awadhesh Kumar, learned counsel for the Bihar State Food and Civil Supplies Corporation Ltd. that the petitioner failed to supply the processed rice within stipulated period i.e. 17.04.2013 and under the agreement, the Bihar State Food and Civil Supplies Corporation is entitled to initiate legal action for recovery of due amount.

However, learned counsel for the petitioner submits that the petitioner is ready to deposit of 20% of alleged due amount within a period of ten months in five bi-monthly equal installments through bank draft in favour of the Bihar State Food and Civil Supplies Corporation, Ltd., Patna, 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 eleven 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, Supaul in connection with Supaul P.S. Case No. 557 of 2013, 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 ₹1,08,60,649.06/- in favour of Bihar State Food and Civil Supplies Corporation Ltd., within a period of ten months in five bi-monthly equal installment.

The above deposit will be subject to the 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)**

Amrendra/-

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