

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39254 of 2015

Arising Out of PS.Case No. -385 Year- 2015 Thana -SASARAM MUFFSIL District- SASARAM
(ROHTAS)

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1. Deepak Kumar, son of Late Kamta Prasad, Proprietor, M/S Om Shri
Mini Rice Mill Beda, Sheoganj, P.O.+P.S.- Sasaram, 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. Ashutosh Ranjan Pandey

For the Opposite Party/s : Mr. Nagendra Pd.(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 05-10-2015

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 and 420 of the Indian Penal Code.

The prosecution case is that the petitioner
being rice miller was supplied 9854 quintals of paddy by the
Kaimur 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 6602.18 (67% of paddy supplied) quintals of Custom
Milled Rice(CMR). The petitioner supplied only 2548.24
quintals and failed to supply 4053.94 quintals of Custom
Milled Rice worth Rs. 77,15,174.83/-.



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 petitioner has filed a suit for lifting the rice by 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 now Certificate Case No. 22 of 2013-14 for recovery of the due amount has already been initiated.

It is submitted by Mr. Awadhesh Kumar, learned counsel for The Bihar State Food & Civil Supplies Corporation Limited that petitioner failed to supply the processed rice within stipulated time and under the terms of the agreement legal action was permissible and consequently the present F.I.R was registered.

However, learned counsel for the petitioner admits that petitioner is ready to deposit 20% of the alleged due amount within a period of six months in three bi-monthly equal 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.

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 seven 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, Rohtas at Sasaram in connection with Sasaram(Muffasil) P.S. Case No. 385 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 three bi-monthly equal 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.

Shageer/-

(Dinesh Kumar Singh, J)

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