

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39340 of 2015

Arising Out of PS.Case No. -137 Year- 2015 Thana -CHANDI District- NALANDA
(BIHARSHARIFF)

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1. Ajay Kumar, Son of Sri Chandra Pal, Resident of Rukhai, Chandi,
District- Nalanda, Proprietor, M/s Jai Thakur Baba Automatic Rice Mill,
Rukhai, P.S. Chandi, Distt- Nalanda.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The District Manager, Bihar State Food & Civil Supply Corporation,
Nalanda.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar
For the Opposite Party/s : Mr. Shailendra Kumar-I(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
and 420 of the Indian Penal Code.

The prosecution case is that the petitioner
being rice miller was supplied 15512.37 quintals of paddy by
the Nalanda unit of The Bihar State Food & Civil Supplies
Corporation Limited under an agreement during the
procurement years 2012-13, in lieu thereof the petitioner was
supposed to supply 10393.28 (67% of paddy supplied) quintals
of Custom Milled Rice(CMR). The petitioner supplied only
5925.29 quintals and failed to supply 4467.99 quintals of

Custom Milled Rice worth Rs. 96,75,722.08/-.

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 agreement stipulates recovery of due amount through initiation of certification proceeding under Bihar & Orissa Public Demands Recovery Act, 1914. The Certificate Case No. 31 of 2013-14 has already been initiated for recovery of due amount.

It is submitted by Ms. Jyotsana Kumari, learned counsel for The Bihar State Food & Civil Supplies Corporation Limited that petitioner failed to supply the processed rice within stipulated time i.e. 31.12.2013 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 nine months in four 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 ten 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, Hilsa, Nalanda in connection with Chandi P.S. Case No. 137 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 through bank draft in favour of The Bihar State Food & Civil Supplies Corporation Limited, Patna within the stipulated time frame given below.

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.

(Dinesh Kumar Singh, J)

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