

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39647 of 2015

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

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Shyam Bihari Pandey, the Proprietor of M/s Maa Jagdamba Mini Rice Mill,
Chenari, Rohtas S/o Late Ram Swarup Pandey R/o Village Bharandua, P.S.
Chenari, District Rohtas at Sasaram.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Managing Director, Bihar State Food Corporation, Sone Bhawan,
Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajesh Kumar Singh

For the Opposite Party/s : Mr. Mukesh Kr. Singh (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

03/ 05-10-2015

Heard learned counsels for the petitioner

and the State.

The petitioner being a rice miller 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 Rohtas unit of Bihar State Food and Civil Supplies Corporation supplied 16224.00 quintals of paddy to the petitioner being rice miller under an agreement during the procurement years 2011-12 and in lieu thereof the petitioner was supposed to supply 10870.08 quintals of custom milled rice. The petitioner supplied only 7783.90 quintals of custom milled rice and failed to supply 3086.18 quintals of custom milled rice worth Rs. 58,73,586.91/-.



It is submitted by learned counsel for the petitioner that the rice could not be supplied due to apathetic attitude of the officials of The Bihar State Food and Civil Supplies Corporation and the certificate proceeding has been stayed awaiting decision of the LPA preferred by the The Bihar State Food and Civil Supplies Corporation. Moreover, the petitioner has already deposited Rs.8,00,000/- (Eight lakhs). It is further submitted that due amount of the paddy has been calculated at higher rate.

It is submitted by Mr. Awadhesh Kumar, learned counsel for the BSFC that the petitioner failed to make supply within time frame i.e. 30.04.2013. It is further submitted that it has been verified that the petitioner has already deposited Rs. Eight lakhs and 20% of the alleged due amount comes to Rs.11,74,700.17/-.

It is submitted by learned counsel for the petitioner that the petitioner is ready to deposit Rs.3,74,700.17/- through bank draft in favour of The State Food and Civil Supplies Corporation within five months in five equal monthly installments.

Considering the present stand of the petitioner, let the above named petitioner be released on

provisional anticipatory bail for six months in the event of his arrest or surrender before the learned court below within a period of twelve weeks from today, on furnishing bail bonds 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 Chenari P.S. Case No. 61 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

The aforesaid deposit will not be treated to be an admission of the petitioner with regard to the claim of the informant but the same will be subject to the certificate proceeding or any legal proceeding.

The provisional bail of the petitioner will be confirmed by the learned court below on deposit of Rs.3,74,700.17/- through bank draft within five months in five monthly equal installments in favour of The Bihar State Food and Civil Supplies Corporation, Patna.

(Dinesh Kumar Singh, J)

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