

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41147 of 2015

Arising Out of PS.Case No. -91 Year- 2015 Thana -DUMRA District- SITAMARHI

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1. Raj Kumar Prasad @ Raj Kumar S/o Dinanath Prasad, Resident of
Village- Lagunaha, P.S.- Bagha, District- West Champaran.

.... Petitioner/s

Versus

1. The State of Bihar
2. The District Manager, B.S.F.C., West Champaran

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dhananjaya Nath Tiwari
For the Opposite Party/s : Mr. Indu Kumari Srivastava (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 09-10-2015

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 420/34 of the Indian Penal Code.

The prosecution case is that the petitioner
being rice miller was supplied 12600 quintals of paddy by the
Sitamarhi unit of The Bihar State Food & Civil Supplies
Corporation Limited under an agreement during the
procurement years 2011-12, in lieu thereof the petitioner was
supposed to supply 8442 (67% of paddy supplied) quintals of
Custom Milled Rice(CMR). The petitioner supplied only 4590
quintals and failed to supply 3852 quintals of Custom Milled
Rice worth Rs. 73,30,856.76/-.

It is submitted by learned counsel for the

petitioner that actually only 11600 quintals of paddy was supplied and the authorities of The Bihar State Food & Civil Supplies have not calculated the four lots of rice supplied by the petitioner. Moreover the petitioner has already deposited Rs. 5,00,000/-.

It is submitted by Mr. Gopal Krishna, learned counsel for The Bihar State Food & Civil Supplies Corporation Limited that petitioner failed to supply the processed rice within stipulated time i.e. 31.12.2012 and under the terms of the agreement legal action was permissible and consequently the present F.I.R was registered. Though Certificate Case No. 12 of 2013-14 has already been initiated. Mr. Gopal Krishna further admits the deposit of Rs. 5,00,000/- by the petitioner.

However, learned counsel for the petitioner admits that petitioner is ready to deposit 20% of the alleged due amount within a period of five months in five equal monthly installments, which includes Rs. 5,00,000/- already deposited, 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 six months on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Sitamarhi in connection with Dumra P.S. Case No. 91 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 which includes Rs. 5,00,000/- already deposited in five equal monthly 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.

(Dinesh Kumar Singh, J)

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