

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.53182 of 2015

Arising Out of PS.Case No. -151 Year- 2015 Thana -DIHRINAGAR District- SASARAM
(ROHTAS)

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1. Dinesh Kumar Singh (Proprietor of Kushwaha Mini Rice Mill), son of
Girija Nandan Singh, resident of Village- Khairahar, P.S. Dehri, District-
Rohtas.

.... Petitioner/s

Versus

1. The State of Bihar.
2. District Manager, Bihar State Food & Civil Supplies Ltd., Rohtas.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sada Nand Ray
For the Opposite Party/s : Mr. Nawal Kishore Pd.(App)

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

2 23-11-2015 Heard learned counsels for the petitioner and the State.

The petitioner being a rice miller is apprehending arrest
in a case registered for the offences punishable under Sections
420,406 and 409 of the Indian Penal Code.

The prosecution case is that Rohtas unit of Bihar State
Food and Civil Supplies Corporation Ltd. supplied 2400 quintals
of paddy to the petitioner being rice miller under an agreement
during the procurement years 2012-13 in lieu thereof the petitioner
was supposed to supply 1608 quintals of custom milled rice. The
petitioner supplied only 1080 quintals of processed rice but failed
to supply 528 quintals of processed rice worth Rs.11,43,415.68/-.



It is submitted by the learned counsel for the petitioner that the rice could not be supplied due to supply of poor quality of paddy and the apathetic attitude of the officials of The Bihar State Food and Civil Supplies Corporation Ltd. Moreover, under agreement the due amount was supposed to be realized by initiating certificate proceeding under the provision of Bihar and Orissa Public Demands Recovery Act, 1914 or through arbitration.

It is submitted by learned counsel for the BSFC that the petitioner failed to make supply within time frame i.e. 31.12.2013 and the BSFC has already initiated certificate proceeding.

However, it is submitted by learned counsel for the petitioner that the petitioner will deposit 20% of the alleged due amount through bank draft in favour of Bihar State Food and Civil Supplies Corporation Ltd. in three bi-monthly equal installments within six months 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 seven months in the event of arrest or surrender before the learned Court below within a period of six weeks from today on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned SDJM

Dehri, Rohtas in connection with Dehri P.S. Case No. 151 of 2015 subject to the conditions as laid down under Section 438(2) 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 submission of 20% of the due amount through bank draft within six months in three bi-monthly equal installments in favour of Bihar State Food and Civil Supplies, Corporation Ltd., Patna.

(Dinesh Kumar Singh, J)

Anil/-

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