

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.55371 of 2015

Arising Out of PS.Case No. -25 Year- 2015 Thana -DARIHAT District- SASARAM (ROHTAS)

=====

1. Abhay Pratap Singh Son of Late Janardhan Prasad Singh resident of
village - Majhiaon, P.S. Darihat, District - Rohtas (Sasaram)

.... Petitioner/s

Versus

1. The State of Bihar
2. The District Manager, Bihar State Food Corporation, District - Rohtas

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Sumeet Kumar Singh, Advocate

For the Opposite Party/s : Mr. Parmanand Kumar (App)

=====

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

2 15-12-2015 Heard learned counsel for the petitioner and the

State.

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

The prosecution case is that under an agreement
the petitioners being the rice miller were supplied 36725
quintals of paddy by the Rohtas unit of The Bihar State Food
and Civil Supplies Corporation Limited during the procurement
years 2011-12 when he was supposed to supply 24605.75
quintals of custom milled rice but the petitioner supplied only
14850.50 quintals of custom milled rice and failed to supply
9755 quintals of processed rice worth Rs. 1,85,65,033.15/-.

It is submitted by the learned counsel for the



petitioner that petitioner has received less quantity of the rice than alleged to have supplied and supplied more quantity of customized mill rice. Moreover in the Certificate Proceeding the Bihar State Food and Civil Supplies Corporation Limited has claimed the due amount to the tune of Rs. 1,54,23,441.30/- instead of Rs.1,85,65,033.15/- as incorporated in the First Information Report. Learned counsel for the petitioner submits that however, at present the petitioner is ready to deposit 20% of the alleged amount as mentioned in the Certificate Case No. 5 of 2013-14 as Rs. 1,54,23,441.30/-. Within a period of 10 months in five bi-monthly installments.

Mr. Shailendra Singh, learned counsel for the Bihar State Food and Civil Supplies Corporation Limited admits that the due amount mentioned in the Certificate Proceeding as 1,54,23,441.30/-.

Considering the present stand of the petitioner, let the above named petitioner be released on provisional anticipatory bail for eleven months, in the event of arrest or surrender before the learned court below within a period of twelve 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 the learned Sri Sanjay Kumar Singh, J.M., Ist Class, Dehri-on-sone, Rohtas (Sasaram) in connection with Darihat P.S. Case No. 25 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 draft of 20% of alleged due amount within a period of 10 months in five bi-monthly installments in favour of the Bihar State Food and Civil Supplies Corporation Limited, Patna.

(Dinesh Kumar Singh, J)

P.K./-

U		T	
---	--	---	--