

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27734 of 2015

Arising Out of PS.Case No. -27 Year- 2015 Thana -CHAND District- BHABHUA (KAIMUR)

Bipin Bihari Singh

.... Petitioner/s

Versus

State of Bihar & Anr

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Tribhuwan Narayan

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

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 23-07-2015

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 406,409 and 420 of the Indian Penal Code.

The prosecution case is that Kaimur unit of Bihar State Food and Civil Supplies Corporation supplied 13626 quintals of paddy to the petitioner being rice miller under an agreement during the agricultural years 2012-13 and the petitioner was supposed to supply 9129.42 quintals of processed rice. The petitioner supplied only 5666.80 quintals of processed rice and failed to supply 3463.24 quintals of processed rice worth Rs.65,90,995/-.

It is submitted by the 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 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. The petitioner has already deposited Rs.2,00000/-.

It is submitted by Mr. A. N. Ray, 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 legal proceeding being certificate case no. 20 of 2013-14. 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 State Food and Civil Supplies Corporation within six months.

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 JM Ist Class, Kaimur at Bhabua in connection with Chand P.S. Case No. 27 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 which will include Rs.2,00000/ claimed to have been deposited earlier by the petitioner through bank draft within six months in favour of the Bihar State Food and Civil Supplies, Corporation, Patna.

(Dinesh Kumar Singh, J)

Anil/-

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