

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31444 of 2015

Arising Out of PS.Case No. -89 Year- 2015 Thana -BUXAR MUFFSIL District- BUXAR

Suresh Lal, S/o Sri Bashishtha Lal, resident of Village Hethua, Rajpur, P.S. Rajpur, District Buxar, Proprietor of M/s Bambam Moni Rice Mill, Khalafatpur, Chausa, District Buxar.

.... Petitioner

Versus

- 1. The State of Bihar.
- 2. The Managing Director, Bihar State Food & Civil Supplies Corporation Ltd., Patna.

.... Opposite Parties

Appearance :

For the Petitioner/s : Mr. Sada Nand Ray, Adv.
For the Opposite Party/s : Mr. Ram Anurag Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 03-08-2015 Heard learned counsels for the petitioner and the State.

The petitioner is apprehending his arrest in a case registered for the offences punishable under Sections 406, 420, and 120B of the Indian Penal Code.

The prosecution case is that the Buxar Unit of the Bihar State Food and Civil Supplies Corporation supplied 4,000 quintals paddy to the petitioner being rice miller under an agreement during agriculture years 2012-2013. Consequently, the petitioner was to supply 2860 quintals of custom milled rice. The petitioner supplied 269.65 quintals of Custom Milled Rice (C.M.R.) but failed to supply 2410.35 quintals of rice worth Rs.

52,19,738.00.

It is submitted by learned counsel for the petitioner that balance rice could not be supplied due to laches on the part of officials of B.S.F.C. The due amount was supposed to be recovered by initiating certificate proceeding and consequently Certificate Case No. 18 of 2014-15 has been initiated.

It is submitted by learned counsel for B.S.F.C. that the petitioner failed to supply the rice within stipulated time i.e. by 31.12.2013. The informant under the terms of agreement is authorized to take legal action for recovery of due amount.

However, learned counsel for the petitioner submits that petitioner is ready to deposit 20% of the alleged due amount i.e. Rs. 52,19,738.00 within a period of six months through Bank draft in favour of the Bihar State Food and Civil Supplies Corporation Ltd., Patna.

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 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, Buxar in connection with Buxar

(M) P.S. Case No. 89 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

The provisional anticipatory bail shall be confirmed by learned court below on submission of 20% of the alleged due amount through bank draft in favour of B.S.F.C. within a period of six months.

The above deposit will be subject to certificate proceeding but will not be an admission of the petitioner against the claim of the informant.

(Dinesh Kumar Singh, J.)

Vats/-

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