

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25022 of 2015

Arising Out of PS.Case No. -120 Year- 2015 Thana -KUDRA District- BHABHUA (KAIMUR)

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Omprakash Rastogi son of Vijay Prasad Rastogi resident of Village - Navras, P.S. - Kudra, District - Kaimur (Bhabhua).

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Abdul Wadood

For the Opposite Party/s : Mr. C.Jawahar(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 30-06-2015

Heard learned counsels for the petitioner and the State.

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

The prosecution case is that under an agreement the petitioner was supplied 10000 quintals of paddy by Kaimur unit the State Food and Civil Supplies Corporation when he was supposed to supply back 6700 quintals of custom milled rice but the petitioner supplied only 3240 quintals of custom milled rice and failed to supply 3460 quintals of processed rice worth ₹74,52,837/-.

It is submitted by learned counsel for the petitioner that processed rice was not supplied since the Bihar State Food



Corporation failed to receive the same and under Clause 15 and 16 of the agreement, there is provision of recovery of due amount by initiating certificate proceeding under Bihar and Orrisa Public Demand Recovery Act, 1914 or resorting to arbitration proceeding. It is further alleged that that the certificate proceeding was initiated for recovery of total amount of ₹74,52,837/- and thereafter the petitioner deposited about ₹14,00,000/-, hence the present FIR was lodged for ₹60,92,837/- The petitioner is still ready to supply the balance processed rice.

It is submitted by Mr. Shailendra Kumar Singh, learned counsel for Bihar State Food and Civil Supplies Corporation that the period for receiving the rice is over.

The petitioner undertakes to deposit 10% of alleged due amount within a period of four months in favour of the Bihar State Food and Civil Supplies Corporation through bank draft which will be subject to the result of certificate or any other proceeding.

Considering the present stand of the petitioner, let the above named petitioner be released on provisional anticipatory bail for five months, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of ₹10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M.,

Kaimur (Bhabhua) in connection with Kudra P.S. Case No. 120 of 2015, subject to the conditions as laid down under Section 438(2) Cr.P.C.

The provisional bail of the petitioner will be confirmed by the learned court below on deposit of 10% of alleged due amount within a period of four months.

(Dinesh Kumar Singh, J)

Amrendra/-

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