

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23318 of 2015

Arising Out of PS.Case No. -101 Year- 2015 Thana -RAMGARH District- BHABHUA (KAIMUR)

Meera Chaturvedi

.... Petitioner/s

Versus

State of Bihar & Anr

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Radha Mohan Pandey, Adv.
For the BSFC : Mr. Awadhesh Kumar, Adv

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 25-06-2015 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 the petitioner was supplied 2000 quintals of paddy under an agreement in the agricultural season of 2012-13 when he was supposed to supply back 1340 quintals of custom milled rice but the same was not supplied and thereby the petitioner misappropriated ₹23,19,488.01/-.

It is submitted by learned counsel for the petitioner that processed rice was not supplied back since the Bihar State Food Corporation failed to receive the same. The petitioner is still ready to supply the same and under Clause 15 and 16 of the agreement, there is procedure for initiating certificate proceeding under Bihar

and Orrisa Public Demand Recovery Act, 1914 and option for arbitration also though the certificate proceeding is pending.

It is submitted by learned counsel for Bihar State Food Corporation that the period for accepting the rice is over.

The petitioner is ready to deposit 20% of alleged due amount within a period of four months before the Bihar State Food and Civil Supplies Corporation through bank draft which will be subject to the result of final settlement.

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 at Bhabua in connection with Ramgarh P.S. Case No. 101 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 on deposit of 20% of alleged due amount within a period of four months which will be subject to certificate proceeding.

The present order will not preclude the Bihar State

Food Corporation to recover the balance amount in accordance with law.

(Dinesh Kumar Singh, J)

Amrendra/-

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