

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.22469 of 2015

Arising Out of PS.Case No. -57 Year- 2015 Thana -BUXAR INDUSTRIAL District- BUXAR

1. Subash Sah Son of Late Prayag Sah Resident of Arjunpur, P.S. Buxar
(I), District Buxar.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Mishra

For the Opposite Party/s : Mr. Uma Nath Mishra (App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 08-07-2015

Heard learned counsels for the petitioner
and the State.

Petitioner is apprehending his arrest in a
case registered for the offences punishable under Sections 406,
419 420, 120B of the Indian Penal Code.

The prosecution case is that the petitioner
being rice miller was supplied 11400 quintals of paddy by the
Buxar unit of Bihar State Food & Civil Supplies Corporation
under agreement during the agriculture year 2012-13 against
which the petitioner was supposed to supply 7638 quintals of
Custom Milled Rice(CMR) but the petitioner only supplied
5938.39 quintals and failed to supply 1699.61 quintals of
Custom Milled Rice worth Rs. 36,80,607/-/-.

It is submitted by learned counsel for the
petitioner that custom milled rice was not supplied due to the
apathetic attitude of the officers of the Bihar State Food & Civil

Supplies Corporation. The agreement stipulates recovery of due amount through initiation of certification proceeding under Bihar & Orissa Public Demands Recovery Act, 1914. The certificate proceeding has already been initiated.

It is submitted by Mr. Awadhesh Kumar, learned counsel for the Bihar State Food & Civil Supplies Corporation that petitioner failed to supply the processed rice within stipulated time and under the terms of the agreement the Bihar State Food & Civil Supplies Corporation is authorized to take legal action for recovery of the alleged due amount.

Learned counsel for the petitioner admits that petitioner is ready to deposit 20% of the alleged due amount through bank draft in favour of the Bihar State Food & Civil Supplies Corporation, Patna within a period of five months.

Considering the present stand of the petitioner, let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of 12 weeks from today, be released on provisional anticipatory bail for six months on furnishing bail bond 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(I) P.S. Case No. 57 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

The provisional bail of the petitioner will be confirmed by learned Court below on deposit of 20% of the

alleged due amount within a period of five months.

The aforesaid deposit will be subject to
certificate proceeding.

Shageer/-

(Dinesh Kumar Singh, J)

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