

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44782 of 2015

Arising Out of PS.Case No. -277 Year- 2015 Thana -LAKHISARAI District- LAKHISARAI

1. Vijay Kumar @ Vijay Sao son of Sri Pappu Sao, Resident of Naya Bazar,
P.S.- Lakhisarai, District- Lakhisarai, Proprietor of M/S New Bihar Mini
Rice Mill, Lakhisarai

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shashi Bhushan Kumar, Advocate

For the Opposite Party/s : Mr. Shailendra Kr.Singh(App)

**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH**
ORAL ORDER

2 29-09-2015

This matter has come up out of turn with the
consent of the learned counsel for the Bihar State Food and
Civil Supplies Corporation.

Heard learned counsel for the petitioner and the
State.

The petitioner being a rice miller apprehending his
arrest in a case registered for the offences punishable under
Sections 420, 406, 409 of the Indian Penal Code.

The prosecution case is that under an agreement
the petitioner being the rice miller was supplied 7234 quintals
of paddy by the Lakhisarai unit of The Bihar State Food and
Civil Supplies Corporation during the procurement years 2012-
13 in lieu thereof the petitioner was supposed to supply 4846.8
quintals of custom milled rice but the petitioner supplied only

2970 quintals of custom milled rice and failed to supply 1876.78 quintals of processed rice worth Rs. 40,64,279.69/-.

It is submitted that processed rice could not be supplied due to apathetic attitude of the officials of the Bihar State Food Civil and Civil Supplies Corporation. Moreover, 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. It is further submitted that the petitioner subsequently deposited Rs. 3,75,000/- before the authorities.

It is submitted by Mr. Shailendra Kumar Singh, learned counsel for the B.S.F.C. that the petitioner failed to make supply within time framed i.e. 31.12.2013. The present F.I.R. has been lodged in terms of the agreement. However, the deposit of Rs. 3,75,000/- by the petitioner is not being controverted.

It is submitted by the learned counsel for the petitioner that the petitioner is ready to deposit Rs. 4,37,855/- through Bank Draft in favour of the Bihar State Food and Civil Supplies Corporation Limited, Patna within four months in four monthly equal installments. Statement to this effect has not been made in the petition.

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 twelve 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 the learned Chief Judicial Magistrate, Lakhisarai in connection with Lakhisarai (Kabaiya) P.S. Case No. 277 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 draft of Rs. 4,37,855/- within a period of four months in four monthly equal installments in favour of the Bihar State Food and Civil Supplies Corporation, Patna.

(Dinesh Kumar Singh, J)

P.K./-

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