

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23373 of 2015

Arising Out of PS.Case No. -11 Year- 2015 Thana -CHAND District- BHABHUA (KAIMUR)

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1. Vinod Kumar Singh Son of late Jagdish Narain singh Resident of Vill.-
Bararhi, P.s Chand, District Kaimur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Prabhakar Singh

For the Opposite Party/s : Mr. Zainul Abedin(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 03-07-2015

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,
409 and 420 of the Indian Penal Code.

The prosecution case is that the petitioner
being rice miller was supplied 8000 quintals of paddy by the
Bhabua unit of Bihar State Food & Civil Supplies Corporation
under agreement for the agriculture year 2013-14 against
which the petitioner was supposed to supply 5360 quintals of
Custom Milled Rice(CMR) but the petitioner failed to supply
custom milled rice worth Rs. 1,32,85,081.60/-.

It is submitted by learned counsel for the
petitioner that custom milled rice was not supplied due to the
latches on the part of the authorities 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.

The petitioner has submitted bank guarantee of rupees five lacs and as per instruction of the learned senior counsel for the petitioner, the same has been encased.

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

It is submitted by Mr. Sailendra Kumar Singh, 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 B.S.F.C was entitled to take legal action for recovery of the due amount. He further submits that if the bank guarantee would have been encashed then the said amount would be deducted from the 20% amount which petitioner undertakes to deposit.

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 nine 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, Bhabua in connection with Chand P.S. Case No. 11 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 submission of draft of 20% of the alleged due amount in favour of the Bihar State Food & Civil Supplies Corporation, Patna. It is made clear that 20% of the alleged amount will include rupees five lacs which has been submitted through bank guarantee, if it has already been encashed.

The aforementioned deposit will be subject to certificate proceeding.

(Dinesh Kumar Singh, J)

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