

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25376 of 2015

Arising Out of PS.Case No. -58 Year- 2015 Thana -DURGAWATI District- BHABHUA
(KAIMUR)

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1. Manoj Kumar Singh Son of Late Mirja Singh resident of village-
Dhanekhha, P.S.- Durgawati, District- Kaimur at Bhabhua.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sumeet Kumar Singh, Advocate

For the Opposite Party/s : Mr. Dr.Rabindra Kumar (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 13-07-2015 Heard learned counsels for the petitioner, The Bihar
State Food and Civil Supplies Corporation and the State.

The petitioner being rice miller is apprehending
arrest in a case registered for the offences punishable under
Sections 406, 120B and 420 of the Indian Penal Code.

The prosecution case is that under an agreement the
petitioner was supplied 9760 quintals of paddy by the Kaimur unit
of The Bihar State Food and Civil Supplies Corporation during the
agriculture season 2012-13 when he was supposed to supply 67%
of the same to the tune of 6539.20 quintals of custom milled rice
but the petitioner supplied only 540 quintals of custom milled rice
and failed to supply 5999.20 quintals of processed rice worth
₹1,29,91,627.56/-.



It is submitted by learned counsel for the petitioner that processed rice could not be supplied due to laches on the part of the authorities of The Bihar State Food Corporation and under the terms of agreement due amount has to be recovered by initiating certificate proceeding. Though, the certificate proceeding has already been initiated being Certificate Case No.114/2014-15. The petitioner is still ready to supply the balance processed rice.

It is submitted by Mr. Awadhesh Kumar, learned counsel for The Bihar State Food and Civil Supplies Corporation that the petitioner failed to supply the processed rice within stipulated period i.e. 31.12.2013 and under the agreement, the Bihar State Food and Civil Supplies Corporation is entitled to initiate legal action for recovery of due amount.

The petitioner undertakes to submit bank draft of 20% of alleged due amount within a period of 10 months in favour of The Bihar State Food and Civil Supplies Corporation, Patna. Though statement to that 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 eleven 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 Bhabhua in connection with Durgawati P.S. Case No.58 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 submission of draft of 20% of alleged due amount within a period of ten months.

The above payment will be subject to the result of certificate proceeding.

(Dinesh Kumar Singh, J)

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