

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23824 of 2015

Arising Out of PS.Case No. -26 Year- 2015 Thana -KORANSARAI District- BUXAR

=====

Brajesh Kumar Tiwari, S/o Late Birendranath Tiwary, R/o village + P.S.-
Koran Sarai, District- Buxar, Bihar

.... Petitioner/s

Versus

1. State of Bihar
 2. Sri Udai Pratap Singh, S/o Late Haribansh Singh, R/o village-
Lakhanpaur, P.S.- Punpun, District- Patna the District Manager, S.F.C.,
Buxar
- Opposite Party/s
- =====

Appearance :

For the Petitioner/s : Mr. Surendra Kumar Singh &
Mrs. Tulika Singh, Advocate

For the B.S.F.C. : Mr. Awadhesh Kumar, Advocate

For the State : Mr. Dr. Kumar Uday Pratap, APP

=====

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 26-06-2015 Heard learned counsel for the petitioner and
learned APP for the State.

Petitioner being rice miller is apprehending his
arrest in a case registered for the offences punishable under
Sections 406 and 420 of the Indian Penal Code.

Prosecution case is that the petitioner being the
rice miller entered into an agreement with the Bihar State
Food and Civil Supplies Corporation Limited under which
received 25311.90 quintals of paddy and petitioner was
supposed to supply back 16958.97 quintals custom milled
rice but the petitioner supplied only 6001.09 quintals of
processed rice and failed to supply 10957.88 quintals of
processed rice and thereby misappropriated Rs. 2,08,54,267.

It is submitted by the learned counsel for the



petitioner that whole rice could not be supplied due to the latches on the part of the authorities of F.C.I. and Bihar State Food and Civil Supplies Corporation Limited. The informant claims that the petitioner actually supplied 11,340 quintals of rice but without taking into account of the quantity of rice supplied by petitioner on the basis of wrong calculation the due amount has been calculated and the certificate proceeding has been dismissed.

Mr. Awadhesh Kumar, learned counsel appearing on behalf of the Bihar State Food and Civil Supplies Corporation Limited submits that the petitioner failed to supply the rice within the stipulated time and under the direction of the F.C.I. now to processed rice can not be accepted. The petition does not stipulate the claim of the petitioner that he supplied 11,340 quintals of rice to the F.C.I. The Certificate Proceeding has been dismissed on technical ground against which an appeal is pending. The petitioner undertakes to deposit 20% of the amount within a period of nine months.

Considering the aforesaid facts, let the above named petitioner be released on provisional anticipatory bail for ten month in the event of his arrest or surrender before the learned court below within a period of twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned

Judicial Magistrate, Ist Class, Buxar, in connection with Koran Sarai P.S. Case No. 26 of 2015, subject to the conditions as laid down under Section 438 (2) Cr.P.C.

The provisional bail will be confirmed after deposit of 20% of the due amount.

The present order will not preclude the authorities to recover the balance due amount. The present deposit will be subject to any further proceeding.

(Dinesh Kumar Singh, J)

P.K./-

U		T	
---	--	---	--