

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23768 of 2015

Arising Out of PS.Case No. -58 Year- 2015 Thana -NAWANGAR District- BUXAR

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1. Sri Upendra Sah @ Upendra Sah Son of Sri Birendra Sah resident of
village - Roopsagar, P.S. Nawanagar, District - Buxar

.... Petitioner/s

Versus

1. The State of Bihar
2. The District Manager, Bihar State Food and Civil Supplies Corporation
Limited, Buxar, District - Buxar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sumeet Kumar Singh

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

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 09-07-2015

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 7733 quintals of paddy by the
Buxar unit of The Bihar State Food & Civil Supplies
Corporation under agreement for the agriculture year 2012-13
against which the petitioner was supposed to supply 5179.10
quintals of Custom Milled Rice(CMR) but the petitioner only
supplied 3514.804 quintals and failed to supply 1664.42
quintals of Custom Milled Rice worth Rs. 36,04,133/-/-.

It is submitted by learned counsel for the
petitioner that custom milled rice could not be 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 which has already been initiated being Certificate Case No. 30 of 2014-15. It is further submitted that petitioner transmitted 17 lots of processed rice but only 13 lots were accepted.

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 agreement The Bihar State Food & Civil Supplies Corporation is empowered to take legal action for the recovery of the due amount.

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

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 Nawanagar P.S. Case No. 58 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 due amount.

The aforesaid deposit will be subject to certificate proceeding.

(Dinesh Kumar Singh, J)

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