

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25047 of 2015

Arising Out of PS.Case No. -33 Year- 2015 Thana -CHANDI District- BHOJPUR

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1. Chandan Kumar Singh s/o Parasnath Singh r/o Khangaon, P.S. Chandi District Bhojpur.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Bihar State Food Corporation through the District Manager SFC, Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Patanjali Rishi
For the Opposite Party/s : Dr. Indiwari Kumari (App)
For the BSFC : Mr. Amrendra Narain Rai, Advocate

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 30-06-2015 Heard learned counsels for the petitioner and the State.

The petitioner being a rice miller is apprehending arrest in a case registered for the offences punishable under Sections 420,406 and 409 of the Indian Penal Code and section 7 of E.C. Act.

The prosecution case is that Bhojpur unit of Bihar State Food and Civil Supplies Corporation supplied 1476 quintals of paddy for supply of 988.92 quintals of processed rice but the petitioner supplied only 540 quintals of processed rice and failed to supply 448.92 quintals of processed rice worth Rs.9,72,163.20/-.

It is submitted by the learned counsel for the petitioner

that the rice could not be supplied due to apathetic attitude of Bihar State Food and Civil Supplies Corporation and Clauses 15 and 16 of the agreement stipulate that recovery was to be made through Bihar and Orissa Public Demands Recovery Act or through arbitration.

It is submitted by learned counsel for the BSFC that the petitioner failed to make supply within time frame and certificate proceeding has already been initiated. However, the petitioner undertakes to deposit 20% of the due amount within a period of four months.

Considering the present stand of the petitioner, on submission of 5% of the due amount through bank draft in favour of State Food and Civil Supplies Corporation, let the above named petitioner be released on provisional anticipatory bail for seven months in the event of arrest or surrender before the learned Court below within a period of six 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 learned JM Ist Class, Bhojpur at Ara in connection with Chandi P.S. Case No. 33 of 2015 subject to the conditions as laid down under Section 438(2) Cr.P.C.

The aforesaid deposit 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 20% of the due amount through bank draft within six months before the Bihar State Food Corporation.

(Dinesh Kumar Singh, J)

Anil/-

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