

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25567 of 2015

Arising Out of PS.Case No. -13 Year- 2015 Thana -PAUTHU District- AURANGABAD

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1. Anand Kumar Singh S/o Bharat Singh R/o Village- Balihari, P.O.-
Luka, P.S.- Pauthu, District- Aurangabad.

.... Petitioner/s

Versus

1. The State of Bihar
2. Bihar State Food & Civil Supplies , Corporation Ltd. Aurangabad.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Lal Bahadur Singh
For the Opposite Party/s : Mr. Murlidhar(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 02-07-2015

Heard learned counsels for the petitioner
and the State.

Petitioner is apprehending his arrest in a
case registered for the offences punishable under Sections 409,
420 of the Indian Penal Code.

The prosecution case is that the petitioner
being rice miller was supplied 4898 quintals of paddy by the
Aurangabad unit of Bihar State Food & Civil Supplies
Corporation under agreement for the agriculture year 2012-13
against which the petitioner was supposed to supply 3281.70
quintals of Custom Milled Rice(CMR) but the petitioner only
supplied 810 quintals of Custom Milled Rice and failed to
supply 2471.70 quintals of custom milled rice worth Rs. 53, 52,
528/-

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. Moreover the petitioner has already deposited Rs. 2,00,000/-.

It is submitted by Mr. A.N.Rai, learned counsel for the Bihar State Food & Civil Supply Corporation that within the stipulated period the CMR rice were not supplied and now the Food Corporation of India has decided not to accept the rice.

The petitioner is ready to deposit 20% of the alleged defalcated amount within a period of five months through bank draft before Bihar State Food & Civil Supply Corporation. The said 20% amount will include Rs.2,00,000/- already deposited by the petitioner.

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 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, Aurangabad in connection with Pauthu P.S. Case No. 13 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 alleged due amount after deducting Rs. 2,00,000/- already deposited.

The aforesaid deposit will be subject to the certificate proceeding.

(Dinesh Kumar Singh, J)

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