

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25598 of 2015

Arising Out of PS.Case No. -34 Year- 2015 Thana -DHANSOI District- BUXAR

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1. Vijay Prasad Son of Sitaram Sah R/o - village + P.O. + P.S. Dhansoi,
District - Buxar, Bihar , Proprietor M/s Ravi Enterprises, Dhansoi , Buxar.
..... Petitioner/s

Versus

1. State of Bihar & Anr
2. Sri Udai Pratap Singh , S/o - Late Haribansh Singh R/o- Lakhanpur,
P.S.- Punpun , District- Patna. The District Manager, SFC, Buxar.

..... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sudha Chandra

For the Opposite Party/s : Mr. Shailendra Kumar No.2 (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 01-07-2015 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 409 and 420 of the Indian Penal Code.

The prosecution case is that State Food Corporation supplied 6000 quintals of paddy for supply of 4020 quintals of processed rice but the petitioner supplied only 539.92 quintals of processed rice and failed to supply 3480 quintals of processed rice worth Rs.66,23,048/-.

It is submitted by the learned counsel for the petitioner that the rice was not lifted due to the laches on the part of the Bihar State Food and Civil Supplies Corporation. Though the

certificate proceeding was initiated but it was subsequently dismissed.

It is submitted by the learned counsel for BSFC that the rice was not supplied within the stipulated time and the appeal has been filed against the dismissal of certificate case.

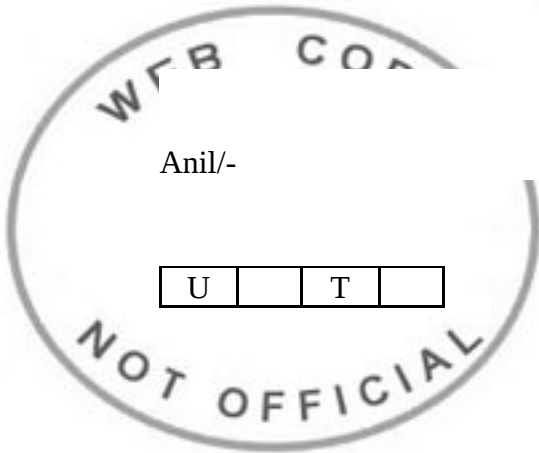
The petitioner undertakes to deposit 20% of the due amount within a period of six months.

Considering the present stand of the petitioner, 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, Buxar in connection with Dhansoi P.S. Case No.34 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 for recovery and settlement.

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.



Anil/-

(Dinesh Kumar Singh, J)