

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26095 of 2015

Arising Out of PS.Case No. -62 Year- 2015 Thana -MUFFASIL District- AURANGABAD

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1. Sudarshan Singh S/o Sri Ram Singh resident of village - Batawan, P.O. Ramchandra Nagar, P.S. Jamhor, District - Aurangabad

.... Petitioner/s

Versus

1. The State of Bihar
2. Dharmendra Kumar Singh S/o Babu Lal Singh, Incharge Purchase Centre, Bihar State Food & Civil Supplies Corporation Ltd., Aurangabad (Bihar)

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rakesh Singh

For the Opposite Party/s : Mr. Mukesh Kr.Singh(App)

For BSFC : Mr. Ramashankar Pradhan, Sr. Advocate

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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.

The petitioner being a rice miller is apprehending 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 Aurangabad unit of Bihar State Food and Civil Supplies Corporation supplied 5000 quintals of paddy to the petitioner being rice miller for supply of 3350 quintals of processed rice but the petitioner supplied only 1890 quintals of processed rice and failed to supply 1460 quintals of processed rice worth Rs.31,61,718/-.

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 certificate proceeding under the provision of Bihar and Orissa Public Demands Recovery Act or through arbitration.

It is submitted by learned senior counsel for the BSFC that the petitioner failed to make supply within stipulated period and certificate proceeding has already been initiated. Though the impugned order reflects that the petitioner expressed willingness to deposit the entire due amount, however, now the petitioner undertakes to deposit 20% of the due amount through bank draft in favour of State Food and Civil Supplies Corporation, within a period of five months.

Considering the present stand of the petitioner, let the above named petitioner be released on provisional anticipatory bail for six 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 CJM, Aurangabad in connection with Mufasil P.S. Case No. 62 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 five months in favour of the Bihar State Food and Civil Supplies Corporation, Patna.

(Dinesh Kumar Singh, J)

Anil/-

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