

IN THE HIGH COURT OF JUDICATURE AT PATNA  
Criminal Miscellaneous No.29936 of 2015

Arising Out of PS.Case No. -75 Year- 2015 Thana -MUFFASIL District- AURANGABAD

1. Manish Kumar Son of Late Rajendra Sharma.

.... .... Petitioner/s

Versus

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

.... .... Opposite Party/s

Appearance :  
For the Petitioner/s : Mr. Anil Kumar  
For the Opposite Party/s : Mr. Sadanand Paswan (Spl.App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH  
ORAL ORDER

2 30-07-2015 Heard learned counsels for the petitioner and the State.

The petitioner 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 under an agreement the petitioner being the rice miller was supplied 15123.94 quintals of paddy by the Aurangabad unit of The Bihar State Food and Civil Supplies Corporation during the agriculture season 2012-13 when he was supposed to supply 10133 quintals of custom milled rice but the petitioner supplied only 6480 quintals of custom milled rice and failed to supply 3653 quintals of processed rice worth ₹79,10,877/-.



It is submitted that processed rice could not be supplied due to laches on the part of the authorities of Bihar State Food Corporation and under the agreement there is provision of recovery of alleged amount by initiating certificate proceeding, though, Certificate Case No. 16 of 2014-15 has already been initiated. It is further submitted that the petitioner was supplied only 2500 quintals of paddy less than the quantity claimed to have been supplied by BSFC. The petitioner is still ready to supply the balance processed rice.

It is submitted by Mr. Shalendra Kumar Singh, learned counsel for The Bihar State Food and Civil Supplies Corporation that the petitioner failed to supply the processed rice within stipulated period i.e. 31.12.2013 and under the agreement, the Bihar State Food and Civil Supplies Corporation was entitled to initiate legal action for recovery of due amount.

The petitioner undertakes to submit bank draft of 20% of alleged due amount within a period of eight months in favour of The Bihar State Food and Civil Supplies Corporation, Patna, though, no statement to that effect has been made in the petition.

Considering the present stand of the petitioner, let the above named petitioner be released on provisional anticipatory

bail for nine months, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of ₹10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned CJ.M., Aurangabad in connection with Muffasil P.S. Case No. 75 of 2015, subject to the conditions as laid down under Section 438(2) Cr.P.C.

The provisional bail of the petitioner will be confirmed by the learned court below on submission of draft of 20% of alleged due amount within a period of eight months.

The aforesaid deposit will be subject to the result of the certificate proceeding but the same will not be admission of the petitioner against the claim of the informant.

The present order is not appropriate proceeding to decide the dispute with regard to quantum of paddy supplied to the petitioner. The petitioner is at liberty to raise the issue in certificate proceeding.

**(Dinesh Kumar Singh, J)**

Amrendra/-

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