

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27297 of 2015

Arising Out of PS.Case No. -116 Year- 2015 Thana -RAMGARH District- BHABHUA (KAIMUR)

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1. Pramod Kumar Singh Son of Late Raj Narayan Singh Resident of
village - Sijhaun, P.S. Ramgarh, District - Kaimur at Bhabhua

.... Petitioner/s

Versus

1. The State of Bihar
2. District Manager, Bihar State Food Corporation, Kaimur at Bhabhua

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Satyendra Prasad Singh

For the Opposite Party/s : Mr. Durgesh Nandan(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 28-07-2015

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 and 420 of the Indian Penal Code.

The prosecution case is that the petitioner being rice miller was supplied 17547 quintals of paddy by the Kaimur at Bhabua unit of The Bihar State Food & Civil Supplies Corporation under agreement for the agriculture year 2011-12 against which the petitioner was supposed to supply 11547.49 quintals of Custom Milled Rice(CMR) but the petitioner only supplied 2698 quintals and failed to supply 9057.99 quintals of Custom Milled Rice worth Rs. 1,72,38,532.51/-/. The amount was thereafter calculated to Rs. 1,44,88,532.51/- after deducting 50,000 as security money

and cash of Rs. 27,00,000/-

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 Supply Corporation. The agreement stipulates recovery of due amount through initiation of certification proceeding under The Bihar & Orissa Public Demands Recovery Act, 1914. The certificate proceeding has already been initiated.

It is submitted learned counsel for The Bihar State Food & Civil Supplies Corporation that petitioner failed to supply the processed rice within stipulated time and after lodging of the F.I.R the petitioner has further deposited Rs. 6,00,000/-.

Learned counsel for the petitioner admits that petitioner is ready to deposit 15% of the alleged due amount within a period of five months through bank draft in favour of The Bihar State Food & Civil Supplies Corporation, Patna.

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 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, Kaimur at

Bhabhua in connection with Ramgarh P.S. Case No. 116 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 15% of the alleged due amount.

The aforesaid deposit will be subject to certificate proceeding or any other proceeding initiated for recovery of the due amount but the same will not be an admission of the petitioner against the claim of the informant.

(Dinesh Kumar Singh, J)

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