

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29238 of 2015

Arising Out of PS.Case No. -163 Year- 2015 Thana -SIKARPUR District-
WESTCHAMPARAN(BETTIAH)

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Madan Prasad Arya, son of Late Badari Prasad, resident of Old Bazar, P.S.-
Shikarpur, District-West Champaran, Proprietor of M/S Ganesh Rice Mill,
Narkatia ganj, West Champaran

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shashi Bhushan Kumar

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

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 03-07-2015

Heard learned counsels for the petitioner

and the State.

Petitioner is apprehending his arrest in a
case registered for the offences punishable under Sections 406,
409 and 420 of the Indian Penal Code.

The prosecution case is that the petitioner
being rice miller was supplied 19737.20 quintals of paddy by
the Bettiah unit of Bihar State Food & Civil Supplies
Corporation under agreement for the agriculture year 2012-13
against which the petitioner was supposed to supply
13223.924 quintals of Custom Milled Rice(CMR) but the
petitioner only supplied 5652.239 quintals and failed to supply
7571.685 quintals of Custom Milled Rice worth Rs.
1,63,96,938.17/-.

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.

It is submitted by Mr. Sailendra Kumar Singh, learned counsel for the Bihar State Food & Civil Supplies Corporation that petitioner failed to supply the processed rice within stipulated time and under the terms of the agreement the B.S.F.C was entitled to take legal action for recovery of the due amount.

Learned counsel for the petitioner admits that petitioner is ready to deposit 20% of the alleged due amount within a period of eight months through bank draft before Bihar State Food & Civil Supplies Corporation.

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 nine 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, West Champaran, Bettiah in connection with Shikarpur P.S. Case No. 163 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.

The aforesaid deposit will be subject to certificate proceeding or any other proceeding initiated for recovery of the due amount.

Shageer/-

(Dinesh Kumar Singh, J)

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