

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26838 of 2015

Arising Out of PS.Case No. -35 Year- 2015 Thana -DHANSOI District- BUXAR

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1. Sidheshwar Kumar Pandey, Son of Late Ramjee Pandey, Proprietor M/S Bindhewasni Rice Mill, Manikpur Dhansoi, resident of village- Manikpur, P.S. Dhansoi, District- Buxar.

.... Petitioner/s

Versus

1. The State of Bihar
2. The Bihar State Food & Civil Supplies Corporation Patna

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Raghwanand
For the Opposite Party/s : Mr. Binod Kumar -Iii(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 21-07-2015 Heard learned counsels for the petitioner and the State.

The petitioner being a rice miller apprehending arrest in a case registered under sections 406, 409 and 120(B) of the Indian Penal Code.

The prosecution case is that Buxar unit of Bihar State Food and Civil supplies Corporation supplied 3680 quintals of paddy to the petitioner being rice miller under an agreement during the agricultural years 2011-12 and the petitioner was supposed to supply 2465.60 quintals of rice worth Rs.46,92,357/-, but the petitioner failed to supply the same.

It is submitted by the learned counsel for the petitioner that the certificate proceeding has been quashed, and after initiation of the certificate proceeding the petitioner has deposited rupees eight lakhs. However, it is submitted by the learned counsel for the petitioner that the petitioner is ready to

deposit 20% of the alleged due amount including rupees eight lakhas already deposited through bank draft in favour of State Food and Civil supplies Corporation.

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 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 Chief Judicial Magistrate, Buxar in connection with Dhansoi P.S. Case No. 35/2015, 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 deposit of 20% of the alleged due amount within five months after deducting rupees eight lakhs claimed to have been deposited by the petitioner.

The above deposit will be subject to any proceeding for recovery of the due amount, but the said deposit will not be an admission of the petitioner against the claim of the informant.

(Dinesh Kumar Singh, J)

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