

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31057 of 2015

Arising Out of PS.Case No. -46 Year- 2015 Thana -BHAGWANPUR District- BHABHUA
(KAIMUR)

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Rajbalabh Singh, son of Late Laljee Singh, resident of Village-Parmalpur,
P.S.-Bhagalpur, District-Kaimur, Bhabua

.... Petitioner/s

Versus

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

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anwar Karim

For the Opposite Party/s : Mr. Anusaiya Jaiswal(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 04-08-2015

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 11599.60 quintals of paddy by the Kaimur unit of The Bihar State Food & Civil Supplies Corporation under agreement during the agriculture year 2012-13 against which the petitioner was supposed to supply 7771.73 quintals of Custom Milled Rice(CMR) but the petitioner only supplied 4364 quintals and failed to supply 3407.73 quintals of Custom Milled Rice worth Rs. 74,87,926.11/-/-. Subsequently in pursuance to the direction of this Court in a writ proceeding the petitioner deposited Rs. 7,00,000/-. Hence,

now the amount remains due is Rs. 67,87,926.11/-.

It is submitted by learned counsel for the petitioner that custom milled rice could not be 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 case No. 18 of 2014-15 has already been initiated.

It is submitted by Mr. Amrendra Narayan Rai, 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 Bihar State Food & Civil Supplies Corporation is empowered to take legal action against the petitioner.

Learned counsel for the petitioner undertakes to deposit Rs. 8,00,000/- within a period of six months through bank draft in favour of The Bihar State Food & Civil Supplies Corporation, Patna since the petitioner has already deposited Rs. 7,00,000/-.

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 seven 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 Bhagwanpur P.S. Case No. 46 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 Rs. 8,00,000/- through bank draft in favour of The Bihar State Food & Civil Supplies Corporation, Patna within a period of six months.

The above deposit will be subject to certificate proceeding but the same will not be treated as admission of petitioner against the claim of the informant.

(Dinesh Kumar Singh, J)

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