

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44588 of 2014

Arising Out of PS.Case No. -102 Year- 2013 Thana -BUXAR INDUSTRIAL District- BUXAR

Harendra Singh, S/o Sri Ramayan Singh, R/o Village - Harpur (Jaipur),
P.S. - Itrahi, District- Buxar. Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner/s : Mr. Prabhat Kumar Singh, Adv.

For the Opposite Party/s : Mr. B.M.P Sinha, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

3 20-04-2015 Heard learned counsel for the petitioner as well as
learned A.P.P. for the State.

Petitioner, who happens to be the proprietor of Shankar Rice Mill, Industrial Area, Buxar was entrusted by the Bihar Food and Civil Supplies Corporation Limited to prepare rice and supply it to the Bihar Food and Civil Supplies Corporation Limited in a ratio as agreed in between and for that, the Bihar Food and Civil Supplies Corporation Limited had supplied paddy. It has also been alleged that petitioner had misappropriated about 1853.93 quintals of rice pertaining to Rs. 35,28,262.66/-. However, on demand, petitioner had deposited Rs. 1, 50,000/- and that being so, Rs. 33,78,262.66/- still remains.

It has been submitted on behalf of the petitioner that in large scale the service of rice mill was requisitioned at the end



of Bihar Food and Civil Supplies Corporation Limited under written agreement. Subsequently thereof, the Bihar Food and Civil Supplies Corporation Limited became defaulter as they failed to lift the rice from premises of receipt of rice mills on account thereof, the rice became subject to natural decay and that being so, only to put curtain on account of their failure, rice mill owners are being prosecuted. It has also been submitted that a certificate proceeding has also been initiated. It has further been submitted that so many C.W.J.C. have already disposed of, some are still pending at the end of mill owners for a direction to the Bihar Food and Civil Supplies Corporation Limited to lift the rice and in likewise manner, to decide the dispute over quantum as well as the due amount. Furthermore, it has been submitted that in similar facts and circumstance of the case, petitioners/accused of other cases have already been granted anticipatory bail and to support the same, order dated 20.03.2015 passed in Criminal Miscellaneous No. 43286 of 2014 has also been filed.

At the other end, the learned A.P.P. opposes the prayer and submitted that there happens to be misappropriation of huge amount on account of siphoning of rice in huge quantity which the petitioner was under obligation to supply to the prosecution party.

Taking into account, the nature of dispute persisting amongst the parties in consonance with the pendency of certificate proceeding, petitioner Harendra Singh is directed to be released on bail 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, Buxar in connection with Buxar (Industrial Area) P.S. Case No. 102 of 2013 in event of arrest/surrender within four weeks in terms of the provisions so laid down under Section 438(2) of the Cr.P.C.

(Aditya Kumar Trivedi, J.)

Vats/-

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