

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30258 of 2015

Arising Out of PS.Case No. -26 Year- 2015 Thana -HULASGANJ District- JEHANABAD

Sanjiv Ved Prakash, son of Sri Devendra Sharma, proprietor of Raj Rice Mill, resident of village/mohalla-Raghunathpur, P.S.-Hulasganj, District-Jehanabad

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amit Kumar

For the Opposite Party/s : Mr. Arun Kumar(App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 30-07-2015

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, 420 & 120B of the Indian Penal Code.

The prosecution case is that the petitioner being rice miller was supplied 16351.20 quintals of paddy by the Jehanabad unit of The Bihar State Food & Civil Supplies Corporation under agreement for the agriculture year 2012-13 against which the petitioner was supposed to supply 10955.30 quintals of Custom Milled Rice(CMR) but the petitioner only supplied 6210 quintals and failed to supply 4745.30 quintals of Custom Milled Rice worth Rs. 1,02,76,232/-.

It is submitted by learned counsel for the petitioner that petitioner failed to supply the processed rice 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 The Bihar & Orissa Public Demands Recovery Act, 1914. The same has been initiated vide Certificate Case No. 18 of 2014-15. It is further submitted that processed rice is still lying in the godown of the petitioner and petitioner is ready to supply the same and there is no reason for the authorities of Bihar State Food & Civil Supplies Corporation not to accept the processed rice.

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 i.e. 31.12.2013 in spite of notices being issued to him and the Bihar State Food & Civil Supplies Corporation, under the terms of the agreement is empowered to take legal action for recovery of the due amount.

Learned counsel for the petitioner admits that petitioner is ready to deposit 20% of Rs. 1,02,76,232/- the alleged due amount within a period of ten months in five equal installments through bank draft drawn in favour 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 eleven months on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Jehanabad in connection with Hulasganj P.S. Case No. 26 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 Rs. 1,02,76,232/-, 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 treated as admission of the petitioner against the informant.

(Dinesh Kumar Singh, J)

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