

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29469 of 2015

Arising Out of PS.Case No. -90 Year- 2015 Thana -DUMRA District- SITAMARHI

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Manoj Kumar, son of Sri Ram Babu Sharma, resident of Village-Athari,
P.S.-Runni Saidpur, District-Sitamarhi, A/P residing at Rasalpur Jilani P.S.-
Kaji Mohammadpur, District Muzaffarpur

.... Petitioner/s

Versus

1. The State of Bihar
2. The District Manager, SFC, Sitamarhi

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Birendra Kumar

For the Opposite Party/s : Mr. Arun Kr.Singh 5(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 07-07-2015

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 420/34 of the Indian Penal Code.

The prosecution case is that the petitioner
being rice miller was supplied 8693.20 quintals of paddy by the
Sitamarhi unit of Bihar State Food & Civil Supplies Corporation
under agreement for the agriculture year 2012-13 against
which the petitioner was supposed to supply 5824.44 quintals
of Custom Milled Rice(CMR) but the petitioner only supplied
3510 quintals and failed to supply 2314.44 quintals of Custom
Milled Rice worth Rs. 50,12,058.69/-/-.

It is submitted by learned counsel for the
petitioner that custom milled rice could not be supplied due to

the apathetic attitude of the authorities of the Bihar State Food & Civil Supplies Corporation. The petitioner is still ready to supply the balance custom milled rice. 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 i.e. by 31st of December, 2013 and under Clause nos. 5 and 10 of the agreement the Bihar State Food & Civil Supplies Corporation is 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 five months through bank draft before 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 six 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, Sitamarhi in

connection with Dumra P.S. Case No. 90 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.

(Dinesh Kumar Singh, J)

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