

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31570 of 2015

Arising Out of PS.Case No. -106 Year- 2015 Thana -WARSALIGANJ District- NAWADA

Sanjay Kumar, son of Sri Ram Khelawan Singh

.... Petitioner/s

Versus

State of Bihar & Anr

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Birendra Kumar, Advocate

For the Opposite Party/s : Mr. Atul Chandra(App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 06-08-2015

Heard learned counsels for the petitioner and Bihar

State Food and Civil Supplies Corporation Ltd.

The petitioner is apprehending 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 under an agreement the petitioner being rice miller was supplied 18000 quintals of paddy by the Nawada unit of Bihar State Food and Civil Supplies Corporation Ltd. during the agriculture season 2012-13 in lieu thereof he was supposed to supply 12060 quintals of custom milled rice. The petitioner supplied only 4860 quintals of custom milled rice but failed to supply 7200 quintals of processed rice worth ₹1,55,92,032/-.

It is submitted by learned counsel for the petitioner

that processed rice could not be supplied due to laches on the part of the authorities of the Bihar State Food and Civil Supplies Corporation Ltd. and under the terms of agreement due amount was to be recovered by initiating certificate proceeding. Consequently, the certificate proceeding was also initiated being 15/2014-15. He further submits that the in pursuance to the order passed in writ application the petitioner has already deposited ₹28 lacs.

It is submitted by Mr. Awadhesh Kumar, learned counsel for the Bihar State Food and Civil Supplies Corporation Ltd. that the petitioner has brought on record the receipt of deposit of ₹28 lacs but the same has not been verified and 20% of the alleged due amount comes to the tune of ₹31,18,406.04/-.

The petitioner undertakes to submit bank draft of ₹3,18,406.04/- within a period of two months through bank draft in favour of the Bihar State Food and Civil Supplies Corporation Ltd., Patna. Though statement to that effect has not been made in the petition.

Considering the present stand of the petitioner, let the above named petitioner be released on provisional anticipatory bail for three months, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on

furnishing bail bond of ₹10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Nawada in connection with Warisaliganj P.S. Case No.106 of 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 submission of bank draft of ₹3,18,406.04/- within a period of two months.

The Bihar State Food and Civil Supplies Corporation Ltd. will verify, whether the petitioner has deposited ₹28 lacs/- or not but if it is found that the petitioner has not deposited the said amount then The Bihar State Food and Civil Supplies Corporation Ltd. will be at liberty to file appropriate application before this court.

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

(Dinesh Kumar Singh, J)

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