

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35300 of 2015

Arising Out of PS.Case No. -140 Year- 2015 Thana -MOHANIA District- BHABHUA (KAIMUR)

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1. Manoj Kumar Singh son of Late Ramashrit Choudhary resident of village Baghani Kala, P.S. Mohania, District - Kaimur at Bhabua.

.... Petitioner/s

Versus

1. The State of Bihar.
2. District Manager, Bihar State Food & Civil Supply Corporation Limited, Kaimur at Bhabua.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Tribhuwan Narayan, Advocate

For the Opposite Party/s : Mr. Shailendra Kumar 2(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 03-09-2015

Heard learned counsel for the petitioner and the State.

The petitioner being a rice miller apprehending his arrest in a case registered for the offences punishable under Sections 420, 409 of the Indian Penal Code.

The prosecution case is that under an agreement the petitioner being the rice miller were supplied 2000 quintals of paddy by the Kaimur unit of The Bihar State Food and Civil Supplies Corporation during the agriculture season 2012-13 when he was supposed to supply 1340 quintals of custom milled rice but the petitioner supplied only 959 quintals of custom milled rice and failed to supply 381 quintals of processed rice worth Rs. 11,50,670.31/-.

It is submitted that processed rice could not be



supplied due to laches on the part of the authorities of Bihar State Food Civil and Civil Supplies Corporation and under agreement the due amount was supposed to be realized by initiating Certificate Proceeding under the provision of Bihar and Orissa Public Demands Recovery Act, 1914 or through arbitration.

It is submitted by learned counsel for the Bihar State Food and Civil supplies Corporation that the petitioner failed to supply the processed rice within stipulated period i.e. 31.12.2013 and under the agreement, the Bihar State Food and Civil Supplies Corporation has already initiated legal proceeding being Certificate Case No. 136/2014-15.

However, it is submitted by learned counsel for the petitioner that the petitioner will deposit 20% of the alleged due amount through bank draft in favour of the Bihar State Food and Civil Supplies Corporation within four months in four equal monthly installments.

Considering the present stand of the petitioner, let the above named petitioner be released on provisional anticipatory bail for five months, in the event of arrest or surrender before the learned court below within a period of six weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Kaimur at Bhabua in connection with Mohania P.S. Case No. 140 of 2015, subject to the conditions as laid down under Section 438(2)

Cr.P.C.

The aforesaid deposit will not be treated to be an admission of the petitioner with regard to the claim of the informant but the same will be subject to the Certificate Proceeding or any legal proceeding.

The provisional bail of the petitioner will be confirmed by the learned court below on submission of draft of 20% of alleged due amount within a period of four months in favour of the Bihar State Food and Civil Supplies Corporation, Patna.

(Dinesh Kumar Singh, J)

P.K./-

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