

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34801 of 2015

Arising Out of PS.Case No. -47 Year- 2015 Thana -MADANPURA District- AURANGABAD

1. Yugesh Kumar S/o Shyamdeo Mehta Resident of Village + Post
Dadhapi, P.S. Madanpur, District Aurangabad, Proprietor of M/s Arwa
Polisher Mill, Dadhapi, Madanpur, Aurangabad.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Bihar State Food & Civil Supply Corporation Ltd.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar

For the Opposite Party/s : Mr. Binod Kumar No. 3 (App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 18-08-2015

Heard learned counsels for the petitioner
and the State.

Petitioner is apprehending his arrest in a
case registered for the offences punishable under Sections 409
and 420 of the Indian Penal Code.

The prosecution case is that the petitioner
being rice miller was supplied 8360 quintals of paddy by the
Aurangabad unit of The Bihar State Food & Civil Supplies
Corporation Limited under agreement during the agriculture
years 2012-13, in lieu thereof the petitioner was supposed to
supply 5601.40 (67% of paddy supplied) quintals of Custom
Milled Rice(CMR). The petitioner supplied only 3240 quintals
and failed to supply 2361.40 quintals of Custom Milled Rice
worth Rs. 51,13,756/-.

It is submitted by learned counsel for the

petitioner that custom milled rice could not be supplied due to the latches on the part of the authorities of The Bihar State Food & Civil Supplies Corporation Limited. 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. Awadhesh Kumar, learned counsel for The Bihar State Food & Civil Supplies Corporation Limited that petitioner failed to supply the processed rice within stipulated time i.e. 31.12.2013 and under the terms of the agreement legal action was permissible and consequently the present F.I.R was registered.

However, 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 in favour of The Bihar State Food & Civil Supplies Corporation Limited, Patna. Though statement to that effect has not been made in the petition.

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, Aurangabad in connection with Madanpur P.S. Case No. 47 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 through bank draft in favour of The Bihar State Food & Civil Supplies Corporation Limited, Patna.

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

(Dinesh Kumar Singh, J)

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