

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29963 of 2015

Arising Out of PS.Case No. -139 Year- 2015 Thana -KUDRA District- BHABHUA (KAIMUR)

=====

1. Shambhu Sharan Singh Son of Sudarsan Singh, Resident of Village - Degari (Misharwalia), P.S. - Kudra, District - Kaimur.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Bihar State Food and Civil Supply Corporation Ltd., Kaimur at Bhabhua.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Viveka Nand Singh, Advocate

For the O.P. No. 2 : Mr. A.N. Rai, Advocate

For the Opposite Party/s : Mr. U.S.P.Singh(App)

=====

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 29-07-2015 Heard learned counsel for the petitioner and the State.

The 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 under an agreement the petitioner being the rice miller was supplied 1000.00 quintals of paddy by the Kaimur unit of The Bihar State Food and Civil Supplies Corporation during the agriculture season 2011-12 under an agreement when he was supposed to supply 670.00 quintals of custom milled rice but the petitioner did not supply processed rice worth Rs. 12,25,097.00/-.

It is submitted 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 and under the agreement there is provision of recovery of alleged amount by initiating certificate proceeding, though Certificate Case initiated against the petitioner has been quashed. The petitioner is still ready to supply the balance processed rice.

It is submitted by learned counsel for the Bihar State Food and Civil supplies Corporation Mr. Amarendra Nath Roy that the petitioner failed to supply the processed rice within stipulated period i.e. 31.12.2013 and against the order of quashing of the Certificate case appeal is pending. Under the agreement, The Bihar State Food and Civil Supplies Corporation was competent to initiate legal action for recovery of due amount.

The petitioner undertakes to submit bank draft of 20% of alleged due amount within a period of 06 months in favour of The Bihar State Food and Civil Supplies Corporation, 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 07 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 Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the

satisfaction of the learned Chief Judicial Magistrate, Kaimur at Bhabhua in connection with Kudra P.S. Case No. 139 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 draft of 20% of alleged due amount within a period of 06 months. The above payment will be subject to Certificate Proceeding but the same will not be admission of the petitioner against the claim of the informant.

(Dinesh Kumar Singh, J)

P.K./-

U		T	
---	--	---	--