

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33927 of 2015

Arising Out of PS.Case No. -216 Year- 2015 Thana -MADHEPURA District- MADHEPURA

Ranjan Kumar

.... Petitioner/s

Versus

State of Bihar & Anr

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raja Surendra Mohan

For the Opposite Party/s : Mr. Indu Kumari Srivastava(App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 14-08-2015

Heard learned counsels for the petitioner and the

State. The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 406 and 420 of the Indian Penal Code.

The prosecution case is that under an agreement the petitioner being the rice miller was supplied 17622.93 quintals of paddy by the Madhepura unit of The Bihar State Food and Civil Supplies Corporation Ltd. during the agriculture season 2012-13, in lieu thereof the petitioner was supposed to supply 11806.74 quintals of custom milled rice and he supplied only 5579 quintals of custom milled rice but failed to supply 6227.33 quintals of processed rice worth ₹1,34,85,656/-.

It is submitted that processed rice could not be supplied due to laches on the part of the authorities of Bihar State Food Corporation Ltd. and under the agreement there is provision

of recovery of alleged amount by initiating certificate proceeding, though, Certificate Case No. 15 of 2014-15 has already been initiated. The petitioner is still ready to supply the balance processed rice.

It is submitted by Mr. Shailendra Kumar Singh, 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 is entitled to initiate legal action for recovery of due amount.

The petitioner undertakes to deposit of 20% of alleged due amount within a period of 15 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 sixteen 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 C.J.M., Madhepura in connection with Madhepura P.S. Case No.

216 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 20% of alleged due amount of ₹1,34,85,656/- within a period of 15 months.

The above deposit will be subject to the 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)

Amrendra/-

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