

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31949 of 2015

Arising Out of PS.Case No. -540 Year- 2013 Thana -BHABHUA District- BHABHUA (KAIMUR)

Deomuni Singh S/o Late Bechu Singh

.... Petitioner/s

Versus

1. The State of Bihar
2. Bihar State Food and Civil Supplies Corporation Ltd.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Lal Bahadur Pandey, Advocate

For the Opposite Party/s : Mr. Nand Kishore Pd.(App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 07-08-2015

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 175/176/418/409/420 of the Indian Penal Code.

The prosecution case is that under an agreement the petitioner being rice miller was supplied 17604 quintals of paddy by the Kaimur unit of Bihar State Food and Civil Supplies Corporation Ltd. during the agriculture season 2011-12 in lieu thereof he was supposed to supply 11794.68 quintals of custom milled rice. The petitioner supplied only 1080 quintals of custom milled rice but failed to supply 10714.68 quintals of processed rice worth ₹2,03,91,429/-.

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 but the same was dismissed. The petitioner is still ready to supply the balance processed rice.

It is submitted by Mr. Awadhesh Kumar, learned counsel for the Bihar State Food and Civil Supplies Corporation Ltd. that the petitioner failed to supply the processed rice within stipulated period i.e. 31.12.2012 and under the agreement, the Bihar State Food and Civil Supplies Corporation Ltd. was empowered to initiate legal action for recovery of due amount. Though, certificate case was quashed on technical ground and the appeal is pending against the order quashing the certificate proceeding.

The petitioner undertakes to submit bank draft of 20% of alleged due amount within a period of 16 months through bank draft in favour of the Bihar State Food and Civil Supplies Corporation Ltd., Patna. He further submits that out of same the petitioner has already deposited ₹5lacs. The said fact has not been controverted by the learned counsel appearing for the Bihar State

Food and Civil Supplies Corporation Ltd.

Considering the present stand of the petitioner, let the above named petitioner be released on provisional anticipatory bail for seventeen 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, Kaimur at Bhabhua in connection with Bhabhua P.S. Case No.540 of 2013, 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 adjusting ₹5,00,000/-(five lacs) in eight bi-monthly equal installments within a period of sixteen months.

The above deposit will be subject to any proceeding pending or initiated for recovery of due amount 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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