

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32811 of 2015

Arising Out of PS.Case No. -120 Year- 2013 Thana -ITADHI District- BUXAR

Rama Kant Sah

.... Petitioner/s

Versus

State of Bihar & Anr

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Kumar, Adv.

For the BSFC : Mr. A.N. Rai, Adv.

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 13-08-2015

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, 409 and 420 of the Indian Penal Code and Section 7 of the Essential Commodities Act.

The prosecution case is that under an agreement the petitioner being the rice miller was supplied 3000 quintals of paddy by the Buxur unit of The Bihar State Food and Civil Supplies Corporation Ltd. during the agriculture season 2011-12, in lieu thereof the petitioner was supposed to supply 2010 quintals of custom milled rice but he did not supply the same and thereby misappropriated ₹38,25,291.30/-.

It is submitted by learned counsel for the petitioner

that petitioner supplied 270 quintals of processed rice but on the basis of wrong calculation, the FIR has been registered. Moreover, certificate proceeding has been quashed. The petitioner is still ready to supply the balance processed rice.

It is submitted by Mr. A.N. Rai, 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 is entitled to initiate legal action for recovery of due amount and against the order of quashing of certificate proceeding, appeal is pending.

The petitioner undertakes to deposit of 20% of alleged due amount within a period of five 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 six 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 District

and Sessions Judge, Buxar in connection with Itarhi P.S. Case No. 120 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 of ₹38,25,291.30/- within a period of five months.

The above deposit will be subject to any proceeding initiated for recovery of the balance amount 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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