

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32460 of 2015

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

1. Chhote Lal Prasad S/o Late Basudeo Prasad Resident of Village Tikulia, Police Station Chanpatiya, District West Champaran at present the proprietor of M/s Vivek Mini Rice Mill, Gunda Chock, Chandan Nagar, Gulab Bag, Police Station Sadar Gulab Bag, District Purnea.

.... Petitioner/s

Versus

- 1. The State of Bihar.
- 2. Bihar State Food and Civil Supplies Corporation Limited, Patna.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shekhar Kumar Singh
For the Opposite Party/s : Mr. Raj Kishor Singh (App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 11-08-2015 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 8356 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 5598.50 quintals of custom milled rice but he supplied only 4320 quintals of custom milled rice and failed to supply 1278.50 quintals of

processed rice worth ₹27,68,712/- subsequently the petitioner deposited ₹1,00,000/- hence now due amount come to ₹26,68,712/-.

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. 11 of 2014-15 has already been initiated. The petitioner is still ready to supply the balance processed rice.

It is submitted by Mr. Anurag Kumar, 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 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 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 ₹26,68,712/- within a period of five 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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