

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36135 of 2015

Arising Out of PS.Case No. -59 Year- 2015 Thana -AADAPUR District-
EASTCHAMPARAN(MOTIHARI)

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Rakesh Kumar Yadav

.... Petitioner/s

Versus

State of Bihar & Anr

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sajal Kumar Sinha, Advocate
Mr. Suraj Samdarshi, Advocate

For the Opposite Party/s : Mr. B.N.Pandey(App)

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

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 06-08-2015

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 409 and 420 of the Indian Penal Code.

The prosecution case is that under an agreement the petitioner being rice miller was supplied 18204 quintals of paddy by the East Champaran unit of Bihar State Food and Civil Supplies Corporation Ltd. during the agriculture season 2012-13 in lieu thereof he was supposed to supply 67% of custom milled rice to the tune of 12196.68 quintals. The petitioner supplied only 8370 quintals of custom milled rice but failed to supply 3826.68 quintals of processed rice worth ₹82, 86, 905.14/-.



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 being Certificate Case No. 1/2014-15. 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. 31.12.2013 and under the agreement, the Bihar State Food and Civil Supplies Corporation Ltd. was empowered to initiate legal action for recovery of due amount.

The petitioner undertakes to submit bank draft of 20% of alleged due amount of ₹82, 86, 905.14/- within a period of eight 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 nine 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 Sub-Divisional Judicial Magistrate, Motihari in connection with Adapur P.S. Case No.59 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 ₹82, 86, 905.14/- within a period of eight months.

The above deposit will be subject to the certificate proceeding but will not be treated as admission of the petitioner to the claim of the informant.

(Dinesh Kumar Singh, J)

Ashwini/-

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