

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36548 of 2015

Arising Out of PS.Case No. -305 Year- 2015 Thana -TURKAULIYA District-
EASTCHAMPARAN(MOTIHARI)

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Anil Chaudhur @ Anil Chaudhary, S/o Brahmdeo Chaudhary, resident of village- Semra Hat, Police Station- Turkaulia, District- East Champaran, proprietor of M/s Anil Rice Mill, Semra Hat, Police Station- Turkaulia, District- East Champaran

.... Petitioner/s

Versus

1. State of Bihar
2. The Bihar State Food and Civil Supplies Corporation Limited, Patna through its Managing Director

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vinod Gautam, Advocate

For the Opposite Party/s : Mr. Gulnar Begum(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 11-09-2015 Heard learned counsel for the petitioner and the State.

The petitioner being a rice miller apprehending his arrest in a case registered for the offences punishable under Sections 406, 409, 420, 120B of the Indian Penal Code.

The prosecution case is that under an agreement the petitioner being the rice miller was supplied 5500 quintals of paddy by the Motihari unit of The Bihar State Food and Civil Supplies Corporation during the procurement years 2012-13 in lieu thereof the petitioner was supposed to supply 3685 quintals of custom milled rice but the petitioner did not supply the custom milled rice and has embezzled Rs. 79,80,088.60/-.



It is submitted that processed rice could not be supplied due to laches on the part of the authorities of Bihar State Food Civil and Civil Supplies Corporation and under agreement the due amount was supposed to be realized by initiating Certificate Proceeding under the provision of Bihar and Orissa Public Demands Recovery Act, 1914 or through arbitration.

However, It is submitted by the learned counsel for the petitioner that petitioner subsequently deposited Rs. 4,61,950/-. Hence now the due amount remains Rs. 75,18,138.60/-. The petitioner claims to have deposited Rs. 4,61,950/- and is ready to deposit 20% of the alleged due amount in favour of the Bihar State Food and Civil Supplies Corporation within six months in six monthly equal installments through bank draft in favour of Bihar State Food and Civil Supplies Corporation Limited, Patna. Though statement to that effect has not been made in the petition.

It is submitted by learned counsel for the Bihar State Food and Civil supplies Corporation that the petitioner has deposited Rs. 4,61,950/- and the same will be adjusted against undertaking of deposit 20% of the alleged due amount.

Considering the present stand of the petitioner, let the above named petitioner be released on provisional anticipatory bail for seven months, in the event of arrest or surrender before the learned court below within a period of

twelve weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Motihari, East Champaran in connection with Turkaulia P.S. Case No. 305 of 2015, subject to the conditions as laid down under Section 438(2) Cr.P.C.

The aforesaid deposit will not be treated to be an admission of the petitioner with regard to the claim of the informant but the same will be subject to the Certificate Proceeding or any legal proceeding.

The provisional bail of the petitioner will be confirmed by the learned court below on submission of draft of 20% of alleged due amount which will include the Rs. 4,61,950 already deposited within a period of six months in six monthly equal installments in favour of the Bihar State Food and Civil Supplies Corporation, Patna.

(Dinesh Kumar Singh, J)

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