

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34378 of 2015

Arising Out of PS.Case No. -79 Year- 2013 Thana -MURAR District- BUXAR

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1. Rohit Pratap Sahi S/o Sri Ramesh Pratap Shahi Proprietor Om Enterprises Chaugai, Resident of Village Chaugai, P.S. Murar, District Buxar.

.... Petitioner/s

Versus

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

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vijay Kumar, Adv.
For the Opposite Party/s : Mr. Smt.Pushpa Sinha (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 17-08-2015 Heard learned counsels for the petitioner and the State.

Petitioner is apprehending his arrest in a case registered for the offences punishable under Sections 406, 409 and 420 of the Indian Penal Code.

The prosecution case is that Buxar Unit of Bihar State Food and Civil Supplies Corporation Ltd. supplied 9074.20 quintals of paddy to the petitioner being rice miller under an agreement during the agricultural years 2011-12 in lieu thereof the petitioner was supposed to supply 6079.71 quintals of custom milled rice. The petitioner supplied only 807.18 quintals of processed rice but failed to supply 5272.54 quintals of rice worth

Rs. 1,00,34,323.74.

It is submitted by the learned counsel for the petitioner that the rice could not be supplied due to supply of poor quality of paddy and the apathetic attitude of the officials of the Bihar State Food and Civil Supplies Corporation Ltd. Moreover, 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.

It is submitted by learned counsel for the BSFC that the petitioner failed to make supply within time frame i.e. 31.12.2012 and the BSFC has already initiated legal proceeding being Certificate Case no. 38 of 2012-13. However, it is submitted by learned counsel for the petitioner that the petitioner will deposit 20% of the alleged due amount through bank draft in favour of Bihar State Food and Civil Supplies Corporation Ltd. within sixteen months in eight bi-monthly equal installments.

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 Court below within a period of six 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 learned

Chief Judicial Magistrate, Buxar in connection with Murar P.S.
Case No. 79 of 2013 G.R. No. 2378 of 2013 subject to the
conditions as laid down under Section 438(2) of the 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 20 % of the due
amount through bank draft within sixteen months in eight bi-
monthly equal installments in favour of Bihar State Food and Civil
Supplies, Corporation Ltd., Patna.

(Dinesh Kumar Singh, J)

Prakash/-

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