

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.39238 of 2015

Arising Out of PS.Case No. -162 Year- 2015 Thana -MADHUBANI TOWN District-
MADHUBANI

1. Purushottam Narain Thakur, son of Late Priyabrat Thakur, resident of Village- Sundarpur, P.S.- Basopatti, District- Madhubani, Proprietor of M/s Ram Janki Modern Rice Mill, Basopatti, Madhubani.

.... Petitioner/s

Versus

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

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nilesh Kumar
For the Opposite Party/s : Mr. Subhash Chandra Mishra (App)

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 30-09-2015 Heard Mr. Ajay Thakur along with Mr. Nilesh Kumar, learned counsel for the petitioner, learned counsel on behalf of Bihar State Food and Civil Supplies Corporation Ltd and learned A.P.P. for the State.

The petitioner apprehends his arrest in Madhubani Town P. S. Case No. 162/2015(G.R. No. 961/2015) registered for offences punishable under Sections 406, 409 and 420 of the Indian Penal Code.

The prosecution case is that one Gulab Hussain, District Food Supply Officer, Madhubani lodged a written report addressed to the Officer-in-charge of Madhubani Town P.S.



stating therein inter alia that the petitioner established a rice mill in the name and style of M/S Ram Janki Modern Mill, Basopatti, Madhubani and further stated that Bihar State Food and Civil Supply Corporation, Madhubani entered into an agreement with the petitioner for thrashing paddy for the financial year 2012-13. As per the said agreement which was executed on 05.04.2013 the B.S.F.C. has to carry the paddy from the procurement center or other center upto the mill of the petitioner and thereafter, the petitioner has to do the milling of those paddy and 67 percent of the paddy received by him was to be packed in gunny bag provided by B.S.F.C. for which he has to send 14339.69.849 quintals C.M.R. rice within stipulated period but only 6467.34.800 quintal rice was sent to B.S.F.C. and rest 7872.35.049 quintal rice was outstanding to be sent. The consideration amount of remaining rice is 1, 70, 48047.33 @ 2165.56 per quintal which was not paid by the petitioner uptill now and for the payment of the same amount a notice was also sent to the petitioner on 10.05.2014 and thus he has violated the terms of agreement.

Learned counsel for the petitioner has submitted that no offence under Sections 406, 420 is made out as the allegations amount to civil liability and the petitioner is ready to deposit 20 % of the alleged amount within a period of nine months from today.

Considering the aforesaid facts, let the petitioner, above named, in the event of his arrest or surrender within a period of four weeks from today before the Court below be enlarged on bail on furnishing bail bond of Rs. 10,000/- (ten thousand only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Madhubani in connection with Madhubani Town P.S.Case No. 162/2015, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure

(Nilu Agrawal, J)

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