

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37044 of 2015

Arising Out of PS.Case No. -20 Year- 2015 Thana -KACHHAWA District- SASARAM (ROHTAS)

1. Pankaj Singh, S/o Ganesh Singh, Resident of Village- Maharajganj,
P.S.- Kachhhawa, District- Rohtas.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajit Kumar Singh

For the Opposite Party/s : Mr. Rajendra Singh Shastrijee(App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 15-09-2015

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 the petitioner being rice miller was supplied 3900 quintals of paddy by the Sasaram unit of The Bihar State Food & Civil Supplies Corporation Limited under agreement during the procurement years 2012-13, in lieu thereof the petitioner was supposed to supply 2613 (67% of paddy supplied) quintals of Custom Milled Rice(CMR). The petitioner supplied only 1080 quintals and failed to supply 1533 quintals of Custom Milled Rice worth Rs. 33,19,803.41/-.

It is submitted by learned counsel for the

petitioner that custom milled rice could not be supplied due to the latches on the part of the authorities of The Bihar State Food & Civil Supplies Corporation Limited. The agreement stipulates recovery of due amount through initiation of certification proceeding under Bihar & Orissa Public Demands Recovery Act, 1914. The certificate proceeding has already been initiated.

It is submitted by Mr. Amrendra Narain Rai, learned counsel for The Bihar State Food & Civil Supplies Corporation Limited that petitioner failed to supply the processed rice within stipulated time i.e. 31.12.2013 and under the terms of the agreement legal action was permissible and consequently the present F.I.R was registered.

However, learned counsel for the petitioner admits that petitioner is ready to deposit 20% of the alleged due amount within a period of four months in four equal installments through bank draft in favour of The Bihar State Food & Civil Supplies Corporation Limited, Patna. Though statement to that effect has not been made in the petition.

Considering the present stand of the petitioner, let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of 12 weeks from today, be released on provisional anticipatory bail for five months on furnishing bail bond of Rs. 10,000/-(ten thousand) with two sureties of the like amount each to the

satisfaction of learned Judicial Magistrate, 1st Class, Bikramganj, Rohtas in connection with Kachhawa P.S. Case No. 20 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

The provisional bail of the petitioner will be confirmed by learned Court below on deposit of 20% of the alleged due amount within a period of four months in four equal installments through bank draft in favour of The Bihar State Food & Civil Supplies Corporation Limited, Patna.

The aforesaid deposit will be subject to 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)

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