

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.37317 of 2015**

Arising Out of PS.Case No. -49 Year- 2015 Thana -NASRIGANJ District- SASARAM (ROHTAS)

1. Dheeraj Kumar, S/o Anant Kumar Singh, Resident of Village-  
Nasariganj, P.S.- Nasariganj, District- Rohtas, Proprietor of M/s Sagar  
Modern Mini Rice Mill, Baliyan, Rohtas.

.... .... Petitioner/s

Versus

1. The State of Bihar

.... .... Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Dineshwar Mishra  
For the Opposite Party/s : Mr. Rajendra Singh Shastrijee (App)  
For the BSFC : Mr. A. N. Rai, Advocate

**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR  
SINGH**  
ORAL ORDER

2 15-09-2015 Heard learned counsels for the petitioner and the State.

The petitioner being a rice miller is apprehending arrest  
in a case registered for the offences punishable under Sections  
406, 429 and 420 of the Indian Penal Code.

The prosecution case is that Sasaram unit of Bihar State  
Food and Civil Supplies Corporation Ltd. supplied 1100 quintals  
of paddy to the petitioner being rice miller under an agreement  
during the procurement years 2012-13 in lieu thereof the petitioner  
was supposed to supply 737 quintals of custom milled rice. The  
petitioner supplied only 268.85 quintals of processed rice but  
failed to supply 468.15 quintals of processed rice worth  
Rs.10,13,806.91/-.



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. 31.12.2013 and the BSFC has already initiated certificate proceeding vide Certificate Case No. 59 of 2014-15.

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. in two equal monthly installments within two months 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 three months in the event of arrest or surrender before the learned 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 JM Ist Class, Bikramganj, Rohtas in connection with Nasriganj P.S. Case No. 49 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 20% of the due amount through bank draft within two months in two equal monthly installments in favour of Bihar State Food and Civil Supplies, Corporation Ltd., Patna.

**(Dinesh Kumar Singh, J)**

Anil/-

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