

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41589 of 2015

Arising Out of PS.Case No. -113 Year- 2015 Thana -MADHUBANI TOWN District-
MADHUBANI

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1. Arpana Kumari Wife of Manish Kumar
2. Manish Kumar Son of Late Bikram Narayan Bindwar Both are resident
of village- Parsa Birbal, P.S. Chhatapur, District- Supaul.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The District Manager, Bihar, State Food Corporation Madhubani.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar Singh, Adv.
For the Opposite Party/s : Mr. A.N. Rai, Adv.

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 01-10-2015

The matter has been listed out of turn with the
consent of counsel for The Bihar State Food and Civil Supplies
Corporation, Ltd., Patna. Written consent is on record at flag-‘A’.

The petitioners are apprehending 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 under an agreement the
during the agriculture year 2013-14, petitioners being the rice
miller were supplied 999 quintals of paddy by the Madhubani unit
of the Bihar State Food and Civil Supplies Corporation Ltd., in
lieu thereof the petitioner was supposed to supply 669.34.673
quintals of custom milled rice but they failed to supply the same

and thereby misappropriated ₹16,50,040/-.

It is submitted that processed rice could not be supplied due to laches on the part of the authorities of Bihar State Food Corporation Ltd. and under the agreement there is provision of recovery of alleged amount by initiating certificate proceeding, and the certificate proceeding vide Certificate Case No. 01 of 2015-16 has already been initiated. It is further submitted that the security money of ₹5,00,000/- has been adjusted against the alleged due amount of ₹16,50,040/- hence now the due amount comes to ₹11,50,040/- The petitioner is still ready to supply the balance processed rice.

It is submitted by Mr. A.N. Rai, learned counsel for the Bihar State Food and Civil Supplies Corporation Ltd. that the petitioner failed to supply the processed rice within stipulated period i.e. 31.12.2014 and under the agreement, the Bihar State Food and Civil Supplies Corporation is entitled to initiate legal action for recovery of due amount.

The petitioner undertakes to deposit of 20% of alleged due amount of ₹11,50,040/- within a period of two months through bank draft in favour of the Bihar State Food and Civil Supplies Corporation, Ltd., Patna, though, statement to that effect has not been made in the petition.

Considering the present stand of the petitioners, 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 12 weeks from today, on furnishing bail bond of ₹10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned C.J.M, Madhubani in connection with Madhubani (Town) P.S. Case No. 113 of 2015, subject to the conditions as laid down under Section 438(2) Cr.P.C.

The provisional bail of the petitioner will be confirmed by the learned court below on submission of bank draft of 20% of alleged due amount of ₹11,50,040/- in favour of the Bihar State Food and Civil Supplies Corporation, Ltd., Patna, within a period of two months.

The above deposit will be subject to the 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)

Amrendra/-

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