

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44867 of 2015

Arising Out of PS.Case No. -113 Year- 2015 Thana -SAUR BAZAR District- SAHARSA

1. Prop. Tufani Yadav, S/o Dhanik Yadav, Resident of Village- Sapaha,
P.S.-Maheshkhut, District- Khagaria.

.... Petitioner/s

Versus

1. The State of Bihar
2. The District Manager, B.S.F.C., Saharsa.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Binod Kumar

For the Opposite Party/s : Mr. Anil Pd.Singh(App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 02-11-2015 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, 409 and 420 of the Indian Penal Code.

The prosecution case is that Saharsa unit of Bihar State Food and Civil Supplies Corporation Ltd. supplied 13677.83 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 9164.15 quintals of custom milled rice. The petitioner supplied only 539.07 quintals of processed rice but failed to supply 8625.08 quintals of processed rice worth Rs.1,86,78,120.00/-.



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 Mr. Awadhesh Kumar, 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 Case no. 7 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 six bi-monthly equal installments within one year 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 thirteen 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 CJM, Saharsa in connection with Sour Bazar P.S. Case No. 113 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 in six bi-monthly equal installments within one year in favour of Bihar State Food and Civil Supplies, Corporation Ltd., Patna.

(Dinesh Kumar Singh, J)

Anil/-

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