

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46034 of 2015

Arising Out of PS.Case No. -31 Year- 2015 Thana -AGIAUN District- BHOJPUR

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1. Prashant Kumar Son of Rajkumar, Prop. Anpurna Rice Mill, Karap
Garahni, R/o Runni, P.S.- Pavana, Distt.- Bhojpur

.... Petitioner/s

Versus

1. The State of Bihar
2. The District Manager, Foor Corporation Limited, Bhojpur

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Surendra Kumar Mishra

For the Opposite Party/s : Mr. S.Ehteshamuddin(App)

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

2 01-10-2015 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
420,406 and 409 of the Indian Penal Code and section 7 of the
E.C. Act.

The prosecution case is that Bhojpur unit of Bihar State
Food and Civil Supplies Corporation Ltd. supplied 9500 quintals
of paddy to the petitioner being rice miller under an agreement
during the agricultural years 2012-13 in lieu thereof the petitioner
was supposed to supply 6365 quintals of custom milled rice. The
petitioner supplied only 4320quintals of processed rice but failed
to supply 2045 quintals of processed rice worth Rs.44,28,570.20/-

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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. 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 further submitted that the petitioner has deposited Rs.15,0000/- subsequently through bank draft and today also learned counsel for the petitioner is handing over two bank drafts of rupees seven lacs fifty thousand drawn on SBI, Garhani branch, Bhojpur in favour of BSFC to the learned counsel appearing for the BSFC.

It is submitted by Mr. Shailendra Kumar Singh, learned counsel for the BSFC that the petitioner failed to make supply within time frame i.e. till 31.12.2013. The present FIR has been lodged in consonance to the terms of agreement. It is further submitted by Mr. Singh that he is yet to verify the deposit of Rs.15,0000/- claimed to have been made by the petitioner.

Learned counsel for the BSFC is expected to make an endorsement of the receipt of two drafts and hand over the same to the appropriate authority of Bihar State Food and Civil Supplies

Corporation Ltd., Patna.

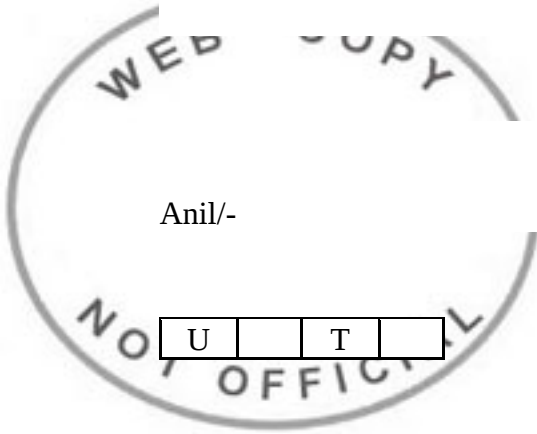
It is submitted by learned counsel for the petitioner that now the deposit made by the petitioner comes to about fifty percent of the alleged due amount.

Considering the present stand of the petitioner, let the above named petitioner be released on anticipatory bail for in the event of arrest or surrender before the learned Court below within a period of twelve 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, Bhojpur at Ara in connection with Agiaon (Garhani) P.S. Case No. 31 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 bail bonds of the petitioner will be accepted by the learned court below provisionally till verification of the fact that earlier the petitioner has deposited fifteen lacs rupees before the authorities and encashment of the two drafts handed over today to the learned counsel for the BSFC. After encashment of bank drafts the learned counsel for the BSFC will file an affidavit to that effect before the

learned court below within three weeks then the bail bonds of the petitioner shall be finally accepted.



(Dinesh Kumar Singh, J)

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