

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38357 of 2015

Arising Out of PS.Case No. -18 Year- 2015 Thana -SURYAPURA District- SASARAM (ROHTAS)

=====

1. Deepa Devi wife of Sri Mahendra Prasad Proprietor of M/s- Satyam Mini Rice Mill resident of Village -Surajpura, P.O. Surajpura,P.s Surajpura, district Rohtas(Sasaram)

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Bihar State Food and Civil supplies Corporation Limited through its M.D. Bihar at Patna.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Sumeet Kumar Singh
For the Opposite Party/s : Mr. Aditya Nr. Singh1 (App)

=====

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

5 02-11-2015 Petitioner is apprehending her arrest in a case registered for the offences punishable under Sections 409, 420 of the Indian Penal Code.

The prosecution case is that the petitioner being rice miller was supplied 9690 quintals of paddy by the Sasaram unit of The Bihar State Food & Civil Supplies Corporation Limited under agreement during the procurement years 2011-12, in lieu thereof the petitioner was supposed to supply 4062.30 (67% of paddy supplied) quintals of Custom Milled Rice(CMR). The petitioner supplied only 2430 quintals and failed to supply 4062.30 quintals of Custom Milled Rice worth Rs. 73,31,085/-.

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 and seven lots of rice was also supplied apart from the supply admitted by the Bihar State Food & Civil Supplies Corporation Limited but the same has not been considered for calculating with the due amount. It is further submitted that Rs. 4,00,000/- has already been deposited by the petitioner.

Learned counsel for the Bihar State Food & Civil Supplies Corporation does not dispute the factum of deposit of Rs. 4,00,000/- by the petitioner.

However, learned counsel for the petitioner admits that petitioner is ready to deposit 20% of the alleged due amount which includes Rs. 4,00,000/- already deposited by the petitioner within a period of ten months in five bi monthly 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 eleven months on furnishing bail bond of Rs. 10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate,

Bikramganj, Rohtas at Sasaram in connection with Surajpura P.S. Case No. 18 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 which includes Rs. 4,00,000/- already deposited by the petitioner within a period of ten months in five bi-monthly 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)

Shageer/-

U		T	
---	--	---	--