

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.56056 of 2015

Arising Out of PS.Case No. -100 Year- 2015 Thana -NAWINAGAR District- AURANGABAD

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1. Sanjay Kumar Singh Son of Mahendra Singh Resident of Village-
Chandochar Dudhar, Po -Bora, P.s Nabinagar, District Aurangabad.

.... Petitioner/s

Versus

1. The State of Bihar
2. The Bihar State Food and Civil Supplies Corporation ltd District Office
Aurangabad.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Leelawati Kumari

For the Opposite Party/s : Mr. Parmanand Prasad (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 10-12-2015 Petitioner is apprehending his arrest in a case
registered for the offences punishable under Sections 406,
409/34, 420 of the Indian Penal Code.

The prosecution case is that the petitioner
being rice miller was supplied 7195.13 quintals of paddy by the
Aurangabad unit of The Bihar State Food & Civil Supplies
Corporation Limited under agreement during the procurement
years 2012-13, in lieu thereof the petitioner was supposed to
supply 4820.70 (67% of paddy supplied) quintals of Custom
Milled Rice(CMR). The petitioner supplied only 1620 quintals
and failed to supply 3200.70 quintals of Custom Milled Rice
worth Rs. 69,31,388/-.

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. The agreement stipulates recovery of due amount through initiation of certification proceeding under Bihar & Orissa Public Demands Recovery Act, 1914 and the same has already been initiated through Certificate Case No. 46 of 2014-15.

It is submitted by Mr. A.N. Rai, learned counsel for The Bihar State Food & Civil Supplies Corporation Limited that petitioner failed to supply the processed rice within stipulated time i.e. 31.12.2013 and under the terms of the agreement legal action was permissible and consequently the present F.I.R was registered.

However, learned counsel for the petitioner admits that petitioner is ready to deposit 20% of the alleged due amount of Rs. 69,31,388/- within a period of six months in six equal monthly installment 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 seven months on furnishing bail bond of Rs. 10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Aurangabad in

connection with Nabinagar P.S. Case No. 100 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 in six equal 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)

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