

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23085 of 2015

Arising Out of PS.Case No. -100 Year- 2015 Thana -ITADHI District- BUXAR

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1. Sri Kant Sah Son of Sri Sukhu Sah resident of Village- Itarhi, P.S.-
Itarhi, District-Buxar

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Jitendra Kumar Pandey

For the Opposite Party/s : Mr. Asha Devi(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 14-07-2015

Heard learned counsels for the petitioner
and the State.

Petitioner is apprehending his arrest in a
case registered for the offences punishable under Sections 403,
406, 420, 421, 424 of the Indian Penal Code.

The prosecution case is that the petitioner
being rice miller was supplied 7000 quintals of paddy by the
Buxar unit of The Bihar State Food & Civil Supplies
Corporation under agreement during the agriculture year 2011-
12 against which the petitioner was supposed to supply 4690
quintals of Custom Milled Rice(CMR) but the petitioner only
supplied 810 quintals and failed to supply 3880 quintals of
Custom Milled Rice worth Rs. 73,84,144/-/-.

It is submitted by learned counsel for the
petitioner that calculations mentioned in the First Information

Report is absolutely wrong. The petitioner was actually supplied 7000 quintals of paddy under an agreement. The petitioner was supposed to supply 4690 quintals of custom milled rice but the petitioner supplied 2698.77 quintals of custom milled rice and failed to supply 1991.23 quintals of processed rice worth Rs. 38,01,517/-. The contention of counsel for the petitioner has not been controverted by Mr. Shailendra Kumar Singh, learned counsel appearing on behalf of The Bihar State Food & Civil Supplies Corporation.

It is further submitted by learned counsel for the petitioner that the processed rice could not be supplied due to the latches on the part of the authorities of The Bihar State Food & Civil Supplies Corporation. Moreover the certificate case has been quashed.

It is submitted by Mr. Sailendra Kumar Singh, learned counsel for The Bihar State Food & Civil Supplies Corporation that petitioner failed to supply the processed rice within stipulated time and appeal is pending against the dismissal or of certificate proceeding as the same was dismissed on technical ground.

Learned counsel for the petitioner admits that petitioner is ready to deposit 20% of the admitted due amount of Rs. 38,01,517/- within a period of six months through bank draft in favour of Bihar State Food & Civil Supply Corporation.

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, Buxar in connection with Itarhi 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 admitted due amount of Rs. 38,01,517/- through bank draft in favour of The Bihar State Food & Civil Supplies Corporation, Patna. The above deposit will not amount to admission of the petitioner against the claim of the informant.

The aforesaid deposit will be subject to any proceeding initiated for recovery of the due amount.

(Dinesh Kumar Singh, J)

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