

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25388 of 2015

Arising Out of PS.Case No. -118 Year- 2015 Thana -KUDRA District- BHABHUA (KAIMUR)

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1. Irfan Ansari son of Tahir Ansari resident of village - Phulli, P.S. - Kudra,
District - Kaimur at Bhabhua.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sumeet Kumar Singh, Advocate

For the Opposite Party/s : Mr. M.Haque(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 13-07-2015 Heard learned counsels for the petitioner and the

State.

The petitioner being rice miller is apprehending
arrest in a case registered for the offences punishable under
Sections 406, 120B and 420 of the Indian Penal Code.

The prosecution case is that under an agreement the
petitioner was supplied 1500 quintals of paddy by the Kaimur unit
of The Bihar State Food and Civil Supplies Corporation during the
agriculture season 2012-13 when he was supposed to supply 67%
of the same to the tune of 1005 quintals of custom milled rice but
the petitioner failed to supply the same worth ₹21,76,387.80/-.

It is submitted by learned counsel for the petitioner
that processed rice could not be supplied due to laches on the part

of the authorities of The Bihar State Food Corporation and under the terms of agreement due amount was to be recovered by initiating certificate proceeding. Though, the certificate proceeding has already been initiated being Certificate Case No.168/2014-15. The petitioner is still ready to supply the balance processed rice.

It is submitted by Mr. Awadhesh Kumar, learned counsel for The Bihar State Food and Civil Supplies Corporation that the petitioner failed to supply the processed rice within stipulated period i.e. 31.12.2013 and under the agreement, The Bihar State Food and Civil Supplies Corporation empowered to initiate legal action for recovery of due amount.

The petitioner undertakes to submit bank draft of 20% of alleged due amount within a period of six months in favour of The Bihar State Food and Civil Supplies Corporation, Patna. 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 seven months, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of ₹10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M.,

Kaimur at Bhabhua in connection with Kudra P.S. Case No.118 of 2015, subject to the conditions as laid down under Section 438(2) Cr.P.C.

The provisional bail of the petitioner will be confirmed by the learned court below on submission of draft of 20% of alleged due amount within a period of six months.

The above deposit will be subject to the result of certificate proceeding.

(Dinesh Kumar Singh, J)

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