

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23790 of 2015

Arising Out of PS.Case No. -87 Year- 2015 Thana -RAMGARH District- BHABHUA (KAIMUR)

Premnath Singh

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar Mishra

For the Opposite Party/s : Mr. Prem Kr.Jha(App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 09-07-2015

Heard learned counsels for the petitioner and the State.

The petitioner 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 being the rice miller was supplied 6710 quintals of paddy by the Kaimur unit of Bihar State Food and Civil Supplies Corporation during the agriculture season 2012-13 when he was supposed to supply 4495.70 quintals of custom milled rice but the petitioner supplied only 2423.70 quintals of custom milled rice and failed to supply 2072 quintals of processed rice worth ₹44,87,000/-.

It is submitted that processed rice could not be

supplied due to laches on the part of the authorities of Bihar State Food Corporation. Moreover, under the agreement there is provision for recovery of due amount by initiating certificate proceeding, though, certificate proceeding has already been initiated vide Certificate Case No. 55 of 2014/15. The petitioner is still ready to supply the balance processed rice.

It is submitted by Mr. Shailendra Kumar Singh, learned counsel for The Bihar State Food and Civil Supplies Corporation that the petitioner failed to supply the processed rice within stipulated period and under the agreement, the Bihar State Food and Civil Supplies Corporation is entitled 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 eight months in favour of The Bihar State Food and Civil Supplies Corporation, Patna which will be subject to the result of certificate or any other proceeding.

Considering the present stand of the petitioner, let the above named petitioner be released on provisional anticipatory bail for nine 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 A.C.J.M.,
Bhabhua in connection with Ramgarh P.S. Case No. 87 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 eight months.

(Dinesh Kumar Singh, J)

Amrendra/-

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