

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24987 of 2015

Arising Out of PS.Case No. -60 Year- 2015 Thana -JAGDIHSPUR District- BHOJPUR

Santosh Kumar Singh son of Sri Radhe Shyam Singh resident of Village - Jagdishpur, Post Office - Jagdishpur Jagdishpur, Police Station - Jagdishpur, District - Bhojpur.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Director Bihar State Food Corporation Ltd., Patna, Bihar.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Madan Jeet Kumar
For the Opposite Party/s : Mr. Sanjay Kumar Sharma (App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 30-06-2015 Heard learned counsels for the petitioner and the State.

The petitioner being the rice miller is apprehending arrest in a case registered for the offences punishable under Sections 406, 409, 120B and 420 of the Indian Penal Code and Section 7 of the Essential Commodities Act.

The prosecution case is that under an agreement the petitioner was supplied 13730 quintals of paddy by the Bhojpur unit of Bihar State Food and Civil Supplies Corporation during the agriculture season 2012-13 when he was supposed to supply 9199.10 quintals of custom milled rice but the petitioner supplied only 2430 quintals of custom milled rice and failed to supply 6769.10 quintals of processed rice worth ₹1,46,58,892.20/-.



It is further submitted that processed rice was not supplied since authorities of the Bihar State Food Corporation failed to receive the same and under Clause 15 and 16 of the Agreement, there is provision for recovery of due amount by initiating certificate proceeding under Bihar and Orrisa Public Demand Recovery Act, 1914, though, the certificate proceeding has already been initiated. The petitioner is still ready to supply the balance processed rice.

It is submitted by Mr. Shailendra Kumar Singh, learned counsel for Bihar State Food and Civil Supplies Corporation that the period for receiving the rice is over.

The petitioner undertakes to deposit 20% of alleged due amount within a period of six months before the Bihar State Food and Civil Supplies Corporation through bank draft 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 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., Bhojpur, Ara in connection with Jagdishpur P.S. Case No. 60 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 deposit of 20% of alleged due
amount within a period of four months.

(Dinesh Kumar Singh, J)

Amrendra/-

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