

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25519 of 2015

Arising Out of PS.Case No. -108 Year- 2015 Thana -KUDRA District- BHABHUA (KAIMUR)

=====

1. Ramashankar Pathak, son of Late Meghanath Pathak, resident of
Village- Lalapur, P.S.- Kudra, District-Kaimur (Bhabhua).

.... Petitioner

Versus

1. The State of Bihar

.... Opposite Party

=====

Appearance :

For the Petitioner : Mr. Abdul Wadood

For the Opposite Party : Mr. C. Jawahar (App)

=====

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 01-07-2015

Heard learned counsels for the petitioner

and the State.

Petitioner is apprehending his arrest in a case registered for the offences punishable under Sections 409, 420, 120B of the Indian Penal Code.

The prosecution case is that the petitioner being rice miller was supplied 5500 quintals of paddy by the Kaimur unit of Bihar State Food & Civil Supply Corporation under agreement for the agriculture year 2012-13 against which the petitioner was supposed to supply 3686 quintals of Custom Milled Rice(CMR) but the petitioner only supplied 268 and failed to supply 3416 quintals of Custom Milled Rice and thereby misappropriated Rs. 73,97,726.21/-.

It is submitted by learned counsel for the petitioner that custom milled rice was not lifted by the authorities of the Bihar State Food & Civil Supply Corporation.

There is a provision with regard to the due amount through initiation of certification proceeding under Bihar & Orissa Public Demands Recovery Act, 1914. The Certificate Case No. 98 of 2014 has already been initiated.

It is submitted by Mr. Sailendra Kumar Singh, learned counsel for the Bihar State Food & Civil Supply Corporation that petitioner failed to supply the processed rice within stipulated time and there is provision under Clause-10 and 12 of the agreement which stipulates liberty to the Corporation to take legal action for recovery of the due amount.

Learned counsel for the petitioner admits that petitioner is ready to deposit 20% of the alleged due amount within a period of six months through bank draft in favour of Bihar State Food & Civil Supplies 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, Kaimur, Bhabhua in connection with Kudra P.S. Case No. 108 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.

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

(Dinesh Kumar Singh, J)

Shageer/-

U		T	
---	--	---	--