

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25758 of 2015

Arising Out of PS.Case No. -34 Year- 2015 Thana -RAMGARHWA District-
EASTCHAMPARAN(MOTIHARI)

Narad Yadav

.... Petitioner/s

Versus

State of Bihar & Anr

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Suraj Samdarshi

For the Opposite Party/s : Mr. Yogendra Kr.Singh(App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 14-07-2015

Heard learned counsels for the petitioner and the
State.

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

The prosecution case is that under an agreement the
petitioner being a rice mill owner was supplied 22000 quintals of
paddy by the Motihari unit of The Bihar State Food and Civil
Supplies Corporation during the agriculture season 2012-13 when
the petitioner was supposed to supply 14700 quintals of custom
milled rice but he supplied only 7290 quintals of custom milled
rice and failed to supply 7450 quintals of processed rice worth
₹1,61,33,422/-.

It is submitted by learned counsel for the petitioner

that in pursuance to initiation of Certificate Case No. 40 of 2014/15, the petitioner has deposited Rs. 25,50,000/-. 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 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 rupees seven lakhs within a period of three 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, as 20% of alleged due amount which comes to approximately ₹32 lacs of which petitioner claims to have deposited ₹25,500/-.

Considering the present stand of the petitioner, let the above named petitioner be released on provisional anticipatory bail for four 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., East Champaran at Motihari in connection with Ramgarhwa P.S.

Case No. 34 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 rupees seven
lakhs within a period of three months. The aforesaid deposit will
be subject to any proceeding initiated for recovery of balance due
amount.

It is submitted by Awadhesh Kumar Singh that the
deposit already made as claimed by learned counsel for the
petitioner is subject to the verification.

(Dinesh Kumar Singh, J)

Amrendra/-

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