

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.26072 of 2015**

Arising Out of PS.Case No. -110 Year- 2015 Thana -KUDRA District- BHABHUA (KAIMUR)

Raj Mohan Pathak

.... .... Petitioner/s

Versus

The State of Bihar

.... .... Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Abdul Wadood

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

**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH**  
**ORAL ORDER**

2 02-07-2015

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 409 and 420 of the Indian Penal Code.

The prosecution case is that under an agreement the petitioner was supplied 6000 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 4020 quintals of custom milled rice but the petitioner supplied only 538.92 quintals of custom milled rice and failed to supply 3481.08 quintals of processed rice worth ₹75,38,487.61/-.

It is submitted that processed rice could not be supplied due to laches on the part of the authorities of Bihar State Food Corporation and under Clause nos. 15 and 16 of the agreement,



there is provision of recovery of amount by initiating certificate proceeding under Bihar and Orrisa Public Demand Recovery Act, 1914, or getting the issue settled through arbitration though, the certificate proceeding being Certificate Proceeding No. 112 of 2014-15 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 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 six 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 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 (Bhabhua) in connection with Kudra P.S. Case No. 110 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.

**(Dinesh Kumar Singh, J)**

Amrendra/-

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