

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28060 of 2015

Arising Out of PS.Case No. -120 Year- 2015 Thana -RAMGARH District- BHABHUA (KAIMUR)

1. Uma Shankar Chaubey, M/s Vinayak Mini Rice Mill, Sultanpur S/o Late Yamuna Choubey Resident of Village Sultanpur, P.S. Ramgarh, District Kaimur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar Mishra

For the Opposite Party/s : Mr. Braj Kishore Pd.(App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 23-07-2015 Heard learned counsels for the petitioner and the State.

The petitioner being a rice miller is apprehending arrest in a case registered for the offences punishable under Sections 420 and 409 of the Indian Penal Code.

The prosecution case is that Kaimur unit of Bihar State Food and Civil Supplies Corporation supplied 7508.80 quintals of paddy to the petitioner being rice miller under an agreement during the agricultural years 2011-12 and the petitioner was supposed to supply 5030.90 quintals of processed rice. The petitioner supplied only 3236.80 quintals of processed rice but failed to supply 1794.10 quintals of

processed rice worth Rs.34,14,405.53/-.

It is submitted by the learned counsel for the petitioner that the rice could not be supplied due to apathetic attitude of the officials of the Bihar State Food and Civil Supplies Corporation and under agreement the due amount was supposed to be realized by initiating certificate proceeding under the provision of Bihar and Orissa Public Demands Recovery Act,1914 or through arbitration.

It is submitted by learned counsel for the BSFC that the petitioner failed to make supply within time frame i.e. 31.12.2012 and the BSFC has already initiated legal proceeding being certificate case no. 18 Y of 2013-14. However, it is submitted by learned counsel for the petitioner that the petitioner has already deposited Rs.24,00,000/- and now the due amount remains to the tune of Rs.9,64,405.53/-

Considering the fact that major due amount has been deposited, let the above named petitioner be released on anticipatory bail in the event of arrest or surrender before the learned Court below within a period of six weeks from today on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of



learned ACJM, Bhabua in connection with Ramgarh P.S.
Case No. 120 of 2015 subject to the conditions as laid
down under Section 438(2) Cr.P.C.

(Dinesh Kumar Singh, J)

Anil/-

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