

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31515 of 2015

Arising Out of PS.Case No. -62 Year- 2015 Thana -AADAPUR District-
EASTCHAMPARAN(MOTIHARI)

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Gena Lal Prasad, S/o Late Bihari Lal Raut, Resdient of Village- Garhariya Kala, P.S.- Darpa, District- East Champaran, Proprietor of M/S Amit Traders Darpa, District- East Champaran.

.... Petitioner

Versus

1. The State of Bihar
2. The Dsitrict Manager, B.S.F.C. , Motihari

.... Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Dhananjaya Nath Tiwari, Adv.

For the Opposite Party/s : Mr. Yogendra Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

02/ 03-08-2015

Heard learned counsels for the petitioner and the

State.

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

The prosecution case is that East Champaran unit of Bihar State Food and Civil Supplies Corporation supplied 2400 quintals of paddy to the petitioner being rice miller under an agreement during the agricultural years 2012-13 in lieu thereof and the petitioner was supposed to supply 1668 quintals of custom milled rice. The petitioner supplied only 270 quintals of custom milled rice and failed to supply 1338 quintals of custom milled rice worth Rs.28,97,519.28/-.



It is submitted by 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 Ltd. 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 and the certificate proceeding being Certificate Case No. 30/2014-15 has already been initiated.

It is submitted by learned counsel for the BSFC that the petitioner failed to make supply within time frame i.e. 31.1.2.2013 and the BSFC has already initiated legal proceeding for recovery of the alleged due amount. However, it is submitted by learned counsel for the petitioner that the petitioner will deposit 20% of the alleged due amount through bank draft in favour of The State Food and Civil Supplies Corporation Ltd. within five months.

Considering the present stand of the petitioner, let the above named petitioner be released on provisional anticipatory bail for six months in the event of his arrest or surrender before the learned court below within a period of twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount

each to the satisfaction of learned Judicial Magistrate, Ist Class, Motihari, East Champaran in connection with Adapur P.S. Case No. 62 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

The aforesaid deposit will not be treated to be an admission of the petitioner with regard to the claim of the informant but the same will be subject to the certificate proceeding or any legal proceeding.

The provisional bail of the petitioner will be confirmed by the learned court below on submission of 20% of the due amount through bank draft within five months in favour of The Bihar State Food and Civil Supplies Corporation, Patna.

(Dinesh Kumar Singh, J)

Vats/-

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