

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35054 of 2015

Arising Out of PS.Case No. -160 Year- 2015 Thana -LAHERIASARAI District- DARBHANGA

1. Monika Rani W/o Umesh Kumar Pop. M/s U.K. Industrie, Mohalla - Pandasarai, District - Darbhanga.

.... Petitioner/s

Versus

- 1. The State of Bihar.
- 2. The Bihar State Food & Civil Supplies Corporation, Patna, Bihar.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Krishna Mohan Mishra
For the Opposite Party/s : Mr. Ram Chandra Sahni(App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 19-08-2015 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 406, 409 and 420 of the Indian Penal Code.

The prosecution case is that Darbhanga unit of Bihar State Food and Civil Supplies Corporation Ltd. supplied 17822.60 quintals of paddy to the petitioner being rice miller under an agreement during the agricultural years 2012-13 in lieu thereof the petitioner was supposed to supply 11941.14 quintals of custom milled rice. The petitioner supplied only 6198.65 quintals of processed rice but failed to supply 5742.48 quintals of processed rice worth Rs.1,17,85,685/-.



It is submitted by the learned counsel for the petitioner that the rice could not be supplied due to supply of poor quality of paddy and the apathetic attitude of the officials of The Bihar State Food and Civil Supplies Corporation. Moreover, 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 further submitted that subsequently, in pursuance to the order passed in the writ application the petitioner has deposited Rs.6,50,000/- before the authorities.

It is submitted by learned counsel for the BSFC that the petitioner failed to make supply within time frame i.e. 31.12.2013. The present FIR has been lodged in consonance to the terms of agreement.

However, it is submitted by learned counsel for the petitioner that the petitioner is ready deposit 20% of the alleged due amount through bank draft in favour of Bihar State Food and Civil Supplies Corporation Ltd. in six bi-monthly equal installments within twelve months though statement to that effect has not been made in the petition.

Considering the present stand of the petitioner, let the above named petitioner be released on provisional anticipatory

bail for thirteen months 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 CJM, Darbhanga in connection with Laheriasarai P.S. Case No. 160 of 2015 subject to the conditions as laid down under Section 438(2) 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. 20% of the alleged due amount which will include Rs.6,50,000/- claimed to have already been deposited by the petitioner.

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 twelve months in six equal bi-monthly installments in favour of Bihar State Food and Civil Supplies, Corporation Ltd., Patna.

(Dinesh Kumar Singh, J)

Anil/-

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