

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33410 of 2015

Arising Out of PS.Case No. -102 Year- 2015 Thana -RAXAUL District-
EASTCHAMPARAN(MOTIHARI)

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1. Amit Kumar, son of Nagina Singh, resident of Village- Khirlichya
Shitalpur, P.S.- Raxaul, District- East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Bihar State Food & Civil Supplies Corporation Ltd. Motihari.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ravi Ranjan
For the Opposite Party/s : Mr. Abhay Kr. Roy(App)

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

2 12-08-2015 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 409, 420 and 120B/34 of the
Indian Penal Code.

The prosecution case is that Motihari unit of
Bihar State Food and Civil Supplies Corporation Ltd.
supplied 8750 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 5862.50 quintals of custom milled rice. The

petitioner supplied only 1350 quintals of processed rice but failed to supply 4512.50 quintals of processed rice worth Rs.97,72,089.50/-.

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 the petitioner has already deposited Rs.2,10,000/- before the authorities after initiation of certificate proceeding.

It is submitted by Mr. Shailendra Kumar Singh, learned counsel for the BSFC that the petitioner failed to make supply within time frame i.e. 31.12.2013 and the the present FIR has been lodged in consonance to the terms of agreement but is not controverting the fact that the petitioner has already deposited Rs.2,10,000/-. 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 in five bi-monthly equal installments within eleven months though statement to that effect has not been made in the petition. The said 20% of the alleged due amount will be calculated after deducting Rs.2,10,000/- claimed to have been deposited by the petitioner.

Considering the present stand of the petitioner, let the above named petitioner be released on provisional anticipatory bail for one year 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 SDJM, Motihari in connection with Raxaul P.S. Case No. 102 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.

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 eleven months in five 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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