

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.33264 of 2015**

Arising Out of PS.Case No. -136 Year- 2015 Thana -SUGAULI District-  
EASTCHAMPARAN(MOTIHARI)

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1. Anil Kumar Son of Sri Indrajeet Prasad, Proprietor, M/S Mahavir Rice  
Mill, Phulwaria, P.S. Sugauli, District - East Champaran

.... .... Petitioner/s

Versus

1. The State of Bihar  
2. The District Manager, Bihar State Food & Civil Supplies Corporation  
Limited, East Champaran, Motihari

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

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**Appearance :**

For the Petitioner/s : Mr. Suraj Samdarshi  
For the Opposite Party/s : Mr. M.Dayal(App)

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

2      26-08-2015      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 of the Indian Penal Code.

The prosecution case is that East Champaran unit of  
Bihar State Food and Civil Supplies Corporation Ltd. supplied  
7538.71 quintals of paddy to the petitioner being rice miller under  
an agreement during the agricultural years 2011-12 in lieu thereof  
the petitioner was supposed to supply 5050.9357 quintals of  
custom milled rice. The petitioner supplied only 4050 quintals of  
processed rice but failed to supply 100.9357 quintals of processed

rice worth Rs.19,04,910/-.

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 Ltd. Moreover, under the 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 deposited Rs.1,70,000/- during the pendency of certificate proceeding though the same has been quashed.

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 appeal is pending against the order of quashing of the certificate proceeding. 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 Bihar State Food and Civil Supplies Corporation Ltd. within five months. If Rs.1,70,000/- is found to have been deposited by the petitioner, it will include 20% of the alleged due amount.

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 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, East Champaran, Motihari in connection with Suguli P.S. Case No. 136 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 five months in favour of Bihar State Food and Civil Supplies, Corporation Ltd., Patna.

**(Dinesh Kumar Singh, J)**

Anil/-

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