

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.36412 of 2015

Arising Out of PS.Case No. -43 Year- 2015 Thana -KHAIRA District- SARAN

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Raju Prasad, son of Ramjee Prasad, resident of Village- Garkha, P.S.
Garkha, District- Saran.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Bihar State Food and Civil Supplies Corporation Limited, through its
Managing Director, Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Neeraj Kumar Alias Sanidh

For the Opposite Party/s : Mr. Sanjay Kr.Tiwary(App)

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

ORAL ORDER

02/ 08-09-2015

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 419, 420, 406 and 409 of the Indian Penal Code.

The prosecution case is that Saran unit of Bihar State Food and Civil Supplies Corporation supplied 4263.36 quintals of paddy to the petitioner being rice miller under an agreement during the procurement years 2012-13 and in lieu thereof the petitioner was supposed to supply 2856.61 quintals of custom milled rice. The petitioner supplied only 1620.00 quintals of custom milled rice and failed to supply

1236.60 quintals of custom milled rice worth Rs. 26,77,253.15/-.

It is submitted by learned senior counsel for the petitioner that due to apathetic attitude of the officials of The Bihar State Food and Civil Supplies Corporation the balance rice could not be supplied and the supply of rice was miscalculated as the petitioner supplied 2700 quintals of rice, though, it has been alleged that the petitioner supply only 1620.00 quintals of rice.

It is submitted by learned counsel for the BSFC that there is no signature on the receiving document with regard to supply of 2700 quintals of rice by the petitioner. Moreover, the petitioner failed to make supply within time frame i.e. 31.12.2013 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 within six months in six equal monthly installments. 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 seven 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 Chief Judicial Magistrate, Saran at Chapra in connection with Khaira P.S. Case No. 43 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 six months in six monthly equal installments in favour of The Bihar State Food and Civil Supplies Corporation, Patna.

The present order, in no way, will be treated as any finding with regard to the quantum of rice supplied by the petitioner.

(Dinesh Kumar Singh, J)

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