

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41693 of 2015

Arising Out of PS.Case No. -42 Year- 2015 Thana -KOCHAS District- SASARAM (ROHTAS)

Om Prakash Singh, S/o Sri Niwas Singh, R/o Village- Laheri, P.S.- Kochas,
District- Rohtas.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The District Manager, State Food Corporation, Rohtas, Sasaram.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jai Prakash Singh

For the Opposite Party/s : Mr. Shailendra Kumar Singh

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

ORAL ORDER

02/ 08-10-2015

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 406, 409 and 420 of the Indian Penal Code.

The prosecution case is that Rohtas unit of Bihar State Food and Civil Supplies Corporation supplied 3000.00 quintals of paddy to the petitioner being rice miller under an agreement during the procurement years 2011-12 and in lieu thereof the petitioner was supposed to supply 2010.00 quintals of custom milled rice. The petitioner failed to supply custom milled rice worth Rs.38,25,291.30/-.



It is submitted by learned counsel for the petitioner that, though, the petitioner supplied 270 quintals of custom milled rice but that has not been calculated while calculating the due amount. However, it is submitted by learned counsel for the petitioner that the petitioner is ready to deposit 20% of the alleged due amount of Rs.38,25,291.30/- through bank draft in favour of The State Food and Civil Supplies Corporation within four months in four equal monthly installments. Though, statement to that effect has not been made in the petition.

It is submitted by learned counsel for the BSFC that the petitioner failed to supply the rice within time frame i.e. 30.04.2013.

Considering the present stand of the petitioner, let the above named petitioner be released on provisional anticipatory bail for five 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 Additional Chief Judicial Magistrate, Rohtas at Sasaram in connection with Kochas (Parsathuan) P.S. Case No. 42 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 of Rs.38,25,291.30/- through bank draft within four months in four monthly equal installments in favour of The Bihar State Food and Civil Supplies Corporation, Patna.

(Dinesh Kumar Singh, J)

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