

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26569 of 2015

Arising Out of PS.Case No. -48 Year- 2015 Thana -MADANPURA District- AURANGABAD

1. Ram Nath Singh @ Ram Nath Prasad Singh Son of Late Deo Nandan Singh, Resident of Village- Maya Bigha, Police Station- Madanpur, District- Aurangabad.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Bharti

For the Opposite Party/s : Mr. Binod Kumar 3 (App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 14-07-2015 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 420 and 409 of the Indian Penal Code.

The prosecution case is that Aurangabad unit of Bihar State Food and Civil Supplies Corporation supplied 14816.99 quintals of paddy to the petitioner being rice miller under an agreement during the agricultural years 2012-13 and the petitioner was supposed to supply 9927.40 quintals of processed rice. The petitioner supplied

only 5940 quintals of processed rice and failed to supply 9887.40 quintals of processed rice worth Rs.86,34,917/-.

It is submitted by the learned counsel for the petitioner that the petitioner was supplied only 11987 quintals of paddy and the rice could not be supplied due to apathetic attitude of the officials of Bihar State Food and Civil Supplies Corporation and 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 or through arbitration. Certificate Case No. 29 of 2014-15 has been initiated. More over, the petitioner has already deposited Rs.5,00000/-

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 BSFC has already initiated legal proceeding being certificate case no. 29 of 2014-15. So far the claim of the petitioner that he has deposited Rs.5,00000/- is subject to verification.

Considering the rival submission of the parties, this court is of the view that the claim and counter claim





with regard to the quantum of supply of paddy cannot be decided in the present proceeding. However, it is submitted by learned counsel for the petitioner that the petitioner will deposit 18% of the alleged due amount through bank draft in favour of State Food and Civil Supplies Corporation within six months. The 18% amount will include Rs.5,00000/-, 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 seven 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 Aurangabad in connection with Madanpur P.S. Case No. 48 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 draft of 18% of the due amount deducting the amount already deposited within six months in favour of the Bihar State Food and Civil Supplies, Corporation, Patna.

(Dinesh Kumar Singh, J)

Anil/-

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