

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30973 of 2015

Arising Out of PS.Case No. -33 Year- 2015 Thana -AGIAUN BAZAR District- BHOJPUR

Nagendra Singh Son of Sher Bahadur Singh Resident of village - Kothuan,
Police Station - Agiaon Bazar, District - Bhojpur, Proprietor of Maa
Baishnavi Rice Mill, Kothuan

.... Petitioner/s

Versus

1. The State of Bihar
2. The District Manager, Bihar State Food & Civil Supplies Corporation
Ltd. Bhojpur at Ara

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rahul Nath

For the Opposite Party/s : Mr. C.Jawahar(App)

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

ORAL ORDER

02/ 30-07-2015

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, 420 of the Indian Penal
Code and 7 of the Essential Commodities Act.

The prosecution case is that Bhojpur unit of
Bihar State Food and Civil Supplies Corporation supplied
11992.00 quintals of paddy to the firm of the petitioner, who is
the proprietor under agreement, being rice miller under an
agreement during the agricultural year 2012-13 and the petitioner

was supposed to supply 8034.64 quintals of custom milled rice. The petitioner supplied only 2700.00 quintals of custom milled rice and failed to supply 2872.15334.646 quintals of custom milled rice worth Rs.1,15,52,483/-.

It is submitted by learned counsel for the petitioner that the rice could not be supplied due to the death of the partner of the firm and the apathetic attitude of the officials of The Bihar State Food and Civil Supplies Corporation. 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 and the certificate proceeding i.e. Certificate Case No. 27/14-15 has already been initiated.

It is submitted by 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 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 a period of one year.

Considering the present stand of the

petitioner, let the above named petitioner be released on provisional anticipatory bail for thirteen 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, Bhojpur at Ara in connection with Agiaon Bazar P.S. Case No. 33 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 one year in favour of The Bihar State Food and Civil Supplies Corporation, Patna.

DKS/-

(Dinesh Kumar Singh, J)

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