

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28381 of 2015

Arising Out of PS.Case No. -33 Year- 2015 Thana -DHANSOI District- BUXAR

=====

1. Jeetendra Bahadur Singh Son of Late Sarju Singh Resident of Village - Shikathi, P.S. - Dhansoin, District - Buxar proprietor M/s Adarsh Mini Rice Mill, Shikathi, Buxar.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Udai Pratap Singh, District Manager, Bihar State Food Corporation Limited, Buxar.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Surendra Kumar Singh
For the Opposite Party/s : Mr. Satyendra Prasad (App)

=====

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 23-07-2015 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 406,409, 120B of the Indian Penal Code.

The prosecution case is that Bihar State Food and Civil Supplies Corporation supplied 8897.60 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 5961.392 quintals of processed rice. The petitioner supplied only 2703.986 quintals of processed rice and failed to supply 3257.40 quintals of processed rice worth Rs.70,54,108/-

but subsequently the petitioner deposited Rs. 5 lac and hence the amount lying due is 65,54,108/-.

It is submitted by the learned counsel for the petitioner that the rice could not be supplied due to apathetic attitude of the officials of the 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, 1914 or through arbitration. It is submitted by learned counsel for the petitioner that petitioner actually supplied 4320 quintals of rice and hence the very accusation is wrong.

It is submitted by learned counsel for the BSFC that the petitioner failed to make supply within the stipulated and although the certificate proceeding is quashed but the appeal is pending against the said order. 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 State Food and Civil Supplies Corporation within six months.

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, Buxar in connection with Dhansoin P.S. Case No. 33 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 six months in favour of the Bihar State Food and Civil Supplies, Corporation, Patna.

(Dinesh Kumar Singh, J)

BKS/-

U		T	
---	--	---	--