

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28894 of 2015

Arising Out of PS.Case No. -33 Year- 2015 Thana -ROH District- NAWADA

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1. Girija Prasad Yadav Son of Late Mahavir Yadav,
2. Ajeet Kumar, Son of Dhanushdhari Pandey
3. Mundrika Prasad Yadav son of Basudeo Yadav,
4. Upendra Yadav, son of Ramcharitra Yadav
Proprietor M/s. Ganpati Rice Mill, R.O. Village- Bara Pandaya, PS.-
Roh, District- Nawada
.... Petitioners/s

Versus

1. The State of Bihar
2. Bihar State Food & Civil Supply Corporation Ltd. through the District
Manager, Nawada

.... Opposite Party/s

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Appearance :

For the Petitioners/s : Mr. Anuj Kumar, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 05-08-2015

This application with respect to petitioner no.3 has
already been withdrawn vide order dated 21.07.2015.

Heard learned counsels for the petitioners and
Bihar State Food and Civil Supplies Corporation Ltd.

Petitioner nos. 1, 2 and 4 are apprehending arrest
in a case registered for the offences punishable under
Sections 406, 409 and 420/34 of the Indian Penal Code.

The prosecution case is that under an agreement the
petitioners being rice miller were supplied 13360 quintals of
paddy by the Nawada unit of Bihar State Food and Civil
Supplies Corporation Ltd. during the agriculture season 2012-13

in lieu thereof they were supposed to supply 67% of custom milled rice to the tune of 8951.20 quintals. The petitioners supplied only 2700 quintals of custom milled rice but failed to supply 6251 quintals of processed rice worth ₹1,35,37,348.68/-.

It is submitted by learned counsel for the petitioners that processed rice could not be supplied due to laches on the part of the authorities of the Bihar State Food and Civil Supplies Corporation Ltd. and under the terms of agreement due amount was to be recovered by initiating certificate proceeding. Consequently, certificate proceeding has also initiated being Certificate Case No.9/2014-15. However, the petitioners are still ready to supply the balance processed rice.

It is submitted by Ms. Jyotsana Kumari, learned counsel for the Bihar State Food and Civil Supplies Corporation Ltd. that the petitioners failed to supply the processed rice within stipulated period i.e. 31.12.2013 and under the agreement, the Bihar State Food and Civil Supplies Corporation Ltd. was empowered to initiate legal action for recovery of due amount.

The petitioners undertake to submit bank draft of 20% of alleged due amount of ₹1,35,37,348.68/- within a period of one year through bank draft in favour of the Bihar State Food and Civil Supplies Corporation Ltd., Patna. Though statement to

that effect has not been made in the petition.

Considering the present stand of the petitioners, let the above named petitioners (except petitioner no.3) be released on provisional anticipatory bail for 13 months, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of ₹10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Nawada in connection with Roh P.S. Case No.33 of 2015, subject to the conditions as laid down under Section 438(2) Cr.P.C.

The provisional bail of the petitioners shall be confirmed by the learned court below on submission of bank draft of 20% of alleged due amount of ₹1,35,37,348.68/-within a period of one year.

The above deposit will be subject to the certificate proceeding but will not be treated as admission of the petitioners to the claim of the informant.

(Dinesh Kumar Singh, J)

Ashwini/-

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