

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32800 of 2015

Arising Out of PS.Case No. -39 Year- 2015 Thana -KOCHAS District- SASARAM (ROHTAS)

Manoj Kumar Singh

.... Petitioner/s

Versus

State of Bihar & Anr

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Siddharth Harsh

For the Opposite Party/s : Mr. Ram Anurag Singh(App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 13-08-2015

Heard learned counsels for the petitioner and the
State.

The petitioner is apprehending arrest in a case
registered for the offences punishable under Sections 406, 409,
419, 120B and 420 of the Indian Penal Code.

The prosecution case is that under an agreement the
petitioner being the rice miller was supplied 4000 quintals of
paddy by the Rohtas unit of The Bihar State Food and Civil
Supplies Corporation Ltd. during the agriculture season 2012-13,
in lieu thereof the petitioner was supposed to supply 2680 quintals
of custom milled rice. Though, the petitioner supplied 1075.95
quintals of processed rice but in the FIR it has been mentioned that
the petitioner supplied 806 quintals of custom milled rice and as
per the FIR the petitioner failed to supply 1873.95 quintals of

processed rice worth ₹40,58,151.16/- but as per verified report, the petitioner failed to supply 1605.05 quintals worth ₹34,73,666.08/-.

It is submitted that processed rice could not be supplied due to laches on the part of the authorities of Bihar State Food Corporation Ltd. and under the agreement there is provision of recovery of alleged amount by initiating certificate proceeding, though, Certificate Case No. 11 of 2014-15 has already been initiated. The petitioner is still ready to supply the balance processed rice.

After taking instruction, it is submitted by Mr. Awadhesh Kumar Singh, learned counsel for the BSFC that there is wrong calculation mentioned in the FIR. The petitioner has actually supplied 1075.95 quintals of processed rice and failed to supply 1605.05 quintals of processed rice worth ₹34,73,666.08/-. It is further submitted that the petitioner 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 is entitled to initiate legal action for recovery of due amount.

The petitioner undertakes to deposit of 20% of alleged due amount within a period of five months 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 petitioner, let the above named petitioner be released on provisional anticipatory bail for six 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) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M., Sasaram, Rohtas in connection with Kochas P.S. Case No. 39 of 2015, subject to the conditions as laid down under Section 438(2) Cr.P.C.

The provisional bail of the petitioner will be confirmed by the learned court below on submission of bank draft of 20% of alleged due amount of ₹34,73,666.08/- within a period of five months.

The above deposit will be subject to the certificate proceeding but the same will not be treated as an admission of the petitioner against the claim of the informant.

(Dinesh Kumar Singh, J)

Amrendra/-

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