

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35987 of 2015

Arising Out of PS.Case No. -121 Year- 2015 Thana -KARAHGAR District- SASARAM (ROHTAS)

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Ram Suresh Tiwary Son of Ram Khali Tiwary Resident of village - Torani
(Jalalpur), P.S. Kargahar, District - Rohtas Proprietor of Baba Bishwanath
Ji Mini Rice Mill Torni, Kargahar

.... Petitioner/s

Versus

1. The State of Bihar
2. Bihar State Food & Civil Supplies Corporation Limited, Patna

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar

For the Opposite Party/s : Mr. Shyam Bihari Singh(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH
ORAL ORDER

02/ 04-09-2015

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 409, 406 and 420 of the Indian Penal Code.

The prosecution case is that Rohtas unit of Bihar State Food and Civil Supplies Corporation supplied 4476.00 quintals of paddy to the petitioner being rice miller under an agreement during the procurement years 2012-13 and in lieu thereof the petitioner was supposed to supply 2998.92 quintals of custom milled rice. The petitioner supplied only

1075.15 quintals of custom milled rice and failed to supply 1923.77 quintals of custom milled rice worth Rs.41,66,039.36/-.

It is submitted by 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 and the certificate proceeding 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 five months in five equal monthly installments. 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 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, Rohtas at Sasaram in connection with Karhgar P.S. Case No. 121 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 five months in five monthly equal installments in favour of The Bihar State Food and Civil Supplies Corporation, Patna.

(Dinesh Kumar Singh, J)

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