

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.41041 of 2015

Arising Out of PS.Case No. -388 Year- 2014 Thana -BANKA District- BANKA

Om Prakash Rajgaria s/o Late Radhe Shyam Rajgaria Resident of Mohalla
Shastri Chok, P.S. Banka, District Banka.

.... .. Petitioner/s

Versus

- 1. The State of Bihar.
- 2. Bihar State Food Corporation, Banka.

.... .. Opposite Party/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

02/ 06-10-2015 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 and 420 of the Indian Penal
Code.

The prosecution case is that Banka unit of
Bihar State Food and Civil Supplies Corporation supplied
11677.60 quintals of paddy to the petitioner being rice miller

under an agreement during the procurement years 2011-12 and in lieu thereof the petitioner was supposed to supply 7823.99 quintals of custom milled rice. The petitioner supplied only 6480.00 quintals of custom milled rice and failed to supply 1343.99 quintals of custom milled rice worth Rs.25,57,788.00/-.

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 the petitioner has already deposited Rs.12,00,000/- and now balance due amount remains to be Rs.13,57,788.00/-.

Mr. Shailendra Kumar Singh, learned counsel for the BSFC does not dispute the deposit of Rs.12,00,000/-.

Considering the quantum of amount already deposited, let the above named petitioner be released on provisional anticipatory bail 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, Banka in connection with Banka P.S. Case No. 388

of 2014, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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