

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25513 of 2015

Arising Out of PS.Case No. -111 Year- 2015 Thana -MOHANIA District- BHABHUA (KAIMUR)

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1. Sarvajeet Kumar @ Sarwajit Kumar, son of Sri Ramjee Singh, resident of village- Bharkhar, P.S.,- Mohania, District- Kaimur (Bhabhua)

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sumeet Kumar Singh

For the Opposite Party/s : Mr. Shakir Ahmad(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 01-07-2015

Heard learned counsels for the petitioner

and the State.

Petitioner is apprehending his arrest in a case registered for the offences punishable under Sections 409 and 420 of the Indian Penal Code.

The prosecution case is that the petitioner being rice miller was supplied 3000 quintals of paddy by the Kaimur at Bhabua unit of Bihar State Food & Civil Supply Corporation under agreement for the agriculture year 2013-14 against which the petitioner was supposed to supply 2010 quintals of Custom Milled Rice(CMR) but the petitioner only supplied 1350 quintals and failed to supply 660 quintals of Custom Milled Rice and thereby misappropriated Rs. 16,35,849/-/-.

It is submitted by learned counsel for the petitioner that custom milled rice was not supplied due to the

latches on the part of the authorities of the Bihar State Food & Civil Supply Corporation. The agreement stipulates recovery of due amount through initiation of certification proceeding under Bihar & Orissa Public Demands Recovery Act, 1914. The certificate proceeding has already been initiated.

It is submitted by Mr. Sailendra Kumar Singh, learned counsel for the Bihar State Food & Civil Supply Corporation that petitioner failed to supply the processed rice within stipulated time and there is nothing on record to suggest that petitioner made any effort to supply the processed rice.

Learned counsel for the petitioner admits that petitioner is ready to deposit 20% of the alleged due amount within a period of six months through bank draft before Bihar State Food & Civil Supply Corporation.

Considering the present stand of the petitioner, let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of 12 weeks from today, be released on provisional anticipatory bail for seven months on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Kaimur at Bhabhua in connection with Mohania P.S. Case No. 111 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

The provisional bail of the petitioner will be

confirmed by learned Court below on deposit of 20% of the alleged due amount.

The aforesaid deposit will be subject to certificate proceeding or any other proceeding initiated for recovery of the due amount.

(Dinesh Kumar Singh, J)

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