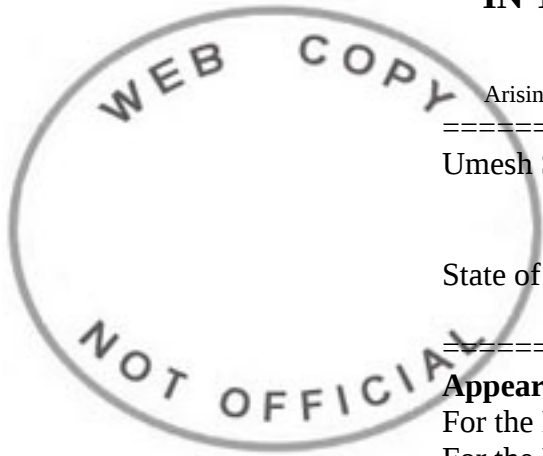




IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24444 of 2015

Arising Out of PS.Case No. -103 Year- 2015 Thana -UDWANTNAGAR District- BHOJPUR

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Umesh Singh

.... Petitioner/s

Versus

State of Bihar & Anr

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mukul Prasad, Adv.

For the B.F.S.C. : Mr. A.N. Rai, Adv.

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 29-06-2015

Heard learned counsels for the petitioner and the State.

The petitioner being the rice miller is apprehending arrest in a case registered for the offences punishable under Sections 406 and 420 of the Indian Penal Code.

The prosecution case is that the petitioner was supplied 4894 quintals of paddy under an agreement when he was supposed to supply back 2943.98 quintals of custom milled rice but the petitioner supplied only 1080 quintals of custom milled rice and balance rice was not supplied and thereby the petitioner misappropriated ₹40,36,560.53/-.

It is submitted by learned counsel for the petitioner that processed rice was not supplied since the Bihar State Food Corporation failed to receive the same. The petitioner is still ready

to supply the balance processed rice.

It is submitted by learned counsel for Bihar State Food Corporation that the period for accepting the rice is over. Though, certificate proceeding was initiated but the same has been dismissed on technical ground.

The petitioner undertakes to deposit 20% of alleged due amount within a period of four months before the Bihar State Food and Civil Supplies Corporation through bank draft which will be subject to the result of final settlement.

Considering the present stand of the petitioner, let the above named petitioner be released on provisional anticipatory bail for five 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 C.J.M., Bhojpur at Ara in connection with Udwantnagar P.S. Case No. 103 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 on deposit of 20% of alleged due amount within a period of four months.

The present order will not preclude the Bihar State Food Corporation to recover the balance amount in accordance with law.

(Dinesh Kumar Singh, J)

Amrendra/-

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