

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25527 of 2015

Arising Out of PS.Case No. -35 Year- 2015 Thana -RAMGARHWA District-
EASTCHAMPARAN(MOTIHARI)

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Ravindra Kumar Chaurasia, Proprietor, M/s. Jai Mata Di Rice Mills, son of
Shri Ganesh Prasad, resident of village Sehorwa Baraiyatola, P.S.
Ramgadhwa, District East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The District Manager, Bihar State Food & Civil Supplies Corporation
Limited, East Champaran.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Suraj Samdarshi
For the Opposite Party/s : Mr. Yogendra Kr. Singh(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.

The petitioner being the rice miller is apprehending
arrest in a case registered for the offences punishable under
Sections 409 and 420 of the Indian Penal Code.

The prosecution case is that under an agreement the
petitioner was supplied 4329.07 quintals of paddy by the East
Champaran unit of Bihar State Food and Civil Supplies
Corporation during the agriculture season 2012-13 when he was
supposed to supply 2900.4767 quintals of custom milled rice but
the petitioner supplied only 270 quintals of custom milled rice and
failed to supply 2630.4769 quintals of processed rice worth

₹56,96,455.56/-. Though, the petitioner subsequently deposited ₹6,25,000/-, hence now total amount due is ₹50,71,455.56/-

It is submitted that processed rice could not be supplied due to laches on the part of the authorities of Bihar State Food Corporation and under Clause nos. 15 and 16 of the Agreement, there is provision of recovery of amount by initiating certificate proceeding under Bihar and Orrisa Public Demand Recovery Act, 1914, and settling the issue through arbitration though, the certificate proceeding being Certificate Proceeding No. 42 of 2014 has already been initiated. The petitioner is still ready to supply the balance processed rice.

It is submitted by Mr. Shailendra Kumar Singh, learned counsel for Bihar State Food and Civil Supplies Corporation that the petitioner failed to supply the processed rice within stipulated period 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 submit draft of 10% of alleged due amount within a period of six months in favour of the Bihar State Food and Civil Supplies Corporation, Patna which will be subject to the result of certificate or any other proceeding.

Considering the present stand of the petitioner, let the

above named petitioner be released on provisional anticipatory bail for seven 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., East Champaran, Motihari in connection with Ramgarhwa P.S. Case No. 35 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 draft of 10% of alleged due amount within a period of six months.

(Dinesh Kumar Singh, J)

Amrendra/-

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