

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 34379 of 2015

Arising Out of PS.Case No. -118 Year- 2015 Thana -BAGHA District-
WESTCHAMPARAN(BETTIAH)

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1. Sablu Kumar S/o Sadhu Saran Sah Resident of Village Gandhi Nagar,
P.O., P.S. Bagha, District West Champaran.

.... Petitioner/s

Versus

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

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Suraj Samdarshi, Adv.

For the Opposite Party/s : Mr. Raj Ballabh Singh(App)

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH**
ORAL ORDER

2 17-08-2015 Heard learned counsels for the petitioner and the
State.

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

The prosecution case is that West Champaran Unit of Bihar
State Food and Civil Supplies Corporation Ltd. supplied 10027.60
quintals of paddy to the petitioner being rice miller under an
agreement during the agricultural years 2012-13 in lieu thereof the
petitioner was supposed to supply 6718.49 quintals of custom
milled rice. The petitioner supplied only 1889.51 quintals of
processed rice but failed to supply 3828.97 quintals of rice worth

Rs. 1,00,57,443.76.

It is submitted by the learned counsel for the petitioner that the rice could not be supplied due to supply of poor quality of paddy and the apathetic attitude of the officials of the Bihar State Food and Civil Supplies Corporation Ltd. Moreover, 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.

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 being certificate case no. 17 of 2014-15. 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 Bihar State Food and Civil Supplies Corporation Ltd. within sixteen months in eight bi-monthly equal installments.

Considering the present stand of the petitioner, let the above named petitioner be released on provisional anticipatory bail for seventeen months in the event of arrest or surrender before the Court below within a period of six weeks from today on furnishing bail bond of Rs. 10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Bagha, West Champaran at

Bettiah in connection with Bagaha P.S. Case No. 118 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 sixteen months in eight bi-monthly equal installments in favour of Bihar State Food and Civil Supplies, Corporation Ltd., Patna.

(Dinesh Kumar Singh, J)

Prakash/-

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