

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.32475 of 2015**

Arising Out of PS.Case No. -169 Year- 2015 Thana -SUPAUL District- SUPAUL

Abinash Kumar Jha @ Abhishek Kumar Jha

.... .... Petitioner/s

Versus

State of Bihar & Anr

.... .... Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Dr. Bidhu Ranjan

For the Opposite Party/s : Mr. Tapeswar Sharma(App)

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

3 20-08-2015

Heard learned counsels for the petitioner and the

State. The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 406, 409, 420 and 120B of the Indian Penal Code.

The prosecution case is that under an agreement the during the agriculture years 2012-13, petitioner being the rice miller was supplied 574.41 quintals of paddy by the Supaul unit of The Bihar State Food and Civil Supplies Corporation Ltd., in lieu thereof the petitioner was supposed to supply 384.85 quintals of custom milled rice and he supplied only 270 quintals of custom milled rice but failed to supply 114.85 quintals of processed rice worth ₹2487145/-.

It is submitted that processed rice could not be supplied due to laches on the part of the authorities of Bihar State

Food Corporation Ltd. and under the agreement there is provision of recovery of alleged amount by initiating certificate proceeding, and the certificate proceeding being Certificate Case No. 71 of 2014 has already been initiated. It is further submitted that the petitioner has already deposited Rs. 5.5 lakhs which is more than 20% of the alleged due amount. This contention of learned counsel for the petitioner is not being controverted by Mr. Awadhesh Kumar Singh, learned counsel for learned counsel for The Bihar State Food and Civil Supplies Corporation Ltd.

Considering the fact that the petitioner has already deposited 20% of the alleged due amount, let the above named petitioner be released on anticipatory bail, 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 CJM, Supaul in connection with Supaul P.S. Case No. 169 of 2015, subject to the conditions as laid down under Section 438(2) Cr.P.C.

**(Dinesh Kumar Singh, J)**

Amrendra/-

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