

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33066 of 2015

Arising Out of PS.Case No. -90 Year- 2015 Thana -DUMRA District- SITAMARHI

=====

1. Sanjeet Kumar Pandey son of Gopal Pandey resident of Village- Puran
chapra (Kalyanpur), Hindu Chakia, Police Station- Bara Chakia, District -
East champaran.

.... Petitioner/s

Versus

1. The State of Bihar
2. The District Manager, Bihar State Food Corporation Ltd. , Samastipur

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Anil Kumar

For the Opposite Party/s : Mr. Madhuranand Jha (App)

=====

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH
ORAL ORDER

2 11-08-2015 Heard learned counsels for the petitioner and the State.

The petitioner being a rice miller is apprehending arrest
in a case registered for the offences punishable under Sections
406,409 and 420/34 of the Indian Penal Code.

The prosecution case is that Sitamarhi unit of Bihar
State Food and Civil Supplies Corporation Ltd. supplied 1742.20
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 1170.60 quintals of custom
milled rice but the petitioner failed to supply processed rice
worth Rs.25,35,047.85/-.

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. The calculation of the rice supplied was not properly made and due to supply of poor quality of paddy the petitioner could only get 30% to 40% rice prepared. Of the paddy supplied. It is further submitted that during enquiry it was found that the poor quality of paddy was supplied. 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 Mr. A.N. Rai, 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. 5 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., Patna within five months.

Considering the present stand of the petitioner, let the above named petitioner be released on provisional anticipatory bail for six months in the event of arrest or surrender before the

learned 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 CJM, Sitamarhi in connection with Dumara P.S. Case No. 90 of 2015 subject to the conditions as laid down under Section 438(2) 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. It is made clear that this court has not expressed any opinion with regard to the merits of claim and counter claim of the parties.

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 five months in favour of Bihar State Food and Civil Supplies, Corporation Ltd., Patna.

(Dinesh Kumar Singh, J)

Anil/-

U		T	
---	--	---	--