

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36099 of 2015

Arising Out of PS.Case No. -295 Year- 2015 Thana -BANKA District- BANKA

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1. Deo Kumar Son of Arvind Prasad Kapri resident of Sirya, P.S. Baunsi,
District - Banka

.... Petitioner/s

Versus

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

.... Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Ansuiya Jaiswal (App)

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

2 07-09-2015 Heard learned counsel for the petitioner and the
State.

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

The prosecution case is that under an agreement
the petitioner being the rice miller was supplied 11005.40
quintals of paddy by the Banka unit of The Bihar State Food
and Civil Supplies Corporation during the procurement years
2012-13 in lieu thereof he was supposed to supply 7373.62
quintals of custom milled rice but the petitioner supplied only
3240 quintals of custom milled rice and failed to supply
4133.62 quintals of processed rice worth Rs. 8951602/-

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

State Food Civil and Civil Supplies Corporation and 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 Bihar State Food and Civil supplies Corporation that the petitioner failed to supply the processed rice within stipulated period i.e. 31.12.2013 and under the agreement, the Bihar State Food and Civil Supplies Corporation has already initiated legal proceeding being Certificate Case No. 13/2014-15

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 the Bihar State Food and Civil Supplies Corporation within 10 months in five bi monthly equal installments. Though statement to this effect has not been made in the petition.

Considering the present stand of the petitioner, let the above named petitioner be released on provisional anticipatory bail for 11 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 the learned Chief Judicial Magistrate, Banka in connection with Banka P.S. Case No. 295 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.

The provisional bail of the petitioner will be confirmed by the learned court below on submission of draft of 20% of alleged due amount within a period of 10 months in five bi monthly equal installments in favour of the Bihar State Food and Civil Supplies Corporation, Patna.

(Dinesh Kumar Singh, J)

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