

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.56642 of 2015

Arising Out of PS.Case No. -54 Year- 2015 Thana -SAHJAHANPUR District- PATNA

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Shambhu Kumar Son of Sri Sachidanand Prasad @ Sachidanand Singh
Resident of Village- Erai Gopal Tola, P.O.- Erai, P.S.-Shahjahanpur, Dist.-
Patna

.... Petitioner/s

Versus

1. The State of Bihar
2. The District Manager, State Food Corporation East Boring Canal Road,
Patna

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manish Chandra Gandhi
For the Opposite Party No. 2 : Mr. R.S. Pradhan, Sr. Advocate

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

02/ 14-12-2015

Heard learned counsels for the petitioner
and the State.

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

The prosecution case is that Patna unit of
Bihar State Food and Civil Supplies Corporation Ltd. supplied
12000.00 quintals of paddy to the petitioner being rice miller
under an agreement during the procurement years 2013-14 and
in lieu thereof the petitioner was supposed to supply 8040.00
quintals of custom milled rice but the petitioner failed to supply

the custom milled rice worth Rs.1,99,27,622.00/-.

It is submitted by learned counsel for the petitioner that the rice could not be supplied due to apathetic attitude of the officials of The Bihar State Food 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 and the certificate proceeding has already been initiated vide Certificate Case No. 232/15.

It is submitted by learned counsel for the BSFC that the petitioner failed to make supply within time frame and the BSFC under the terms of agreement was authorized to initiate legal proceeding for recovery of the alleged due amount.

However, it is submitted by learned counsel for the petitioner that the petitioner will deposit 20% of the alleged due amount Rs.1,99,27,622.00/- through bank draft in favour of The State Food and Civil Supplies Corporation Ltd. within six months in six equal monthly installments. Though, statement to that 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 seven months in the event of his

arrest or surrender before the learned court below within a period of twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Patna City in connection with Shahjahanpur P.S. Case No. 54 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 i.e. Rs.1,99,27,622.00/- through bank draft within six months in six monthly equal installments in favour of The Bihar State Food and Civil Supplies Corporation Ltd., Patna.

(Dinesh Kumar Singh, J)

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