

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26335 of 2015

Arising Out of PS.Case No. -60 Year- 2015 Thana -JAGDIHSPUR District- BHOJPUR

1. Pradip Kumar son of Late Hiranman Sah, Resident of village- Jagdishpur, Police Station- Jagdishpur, District- Bhojpur, Proprietor of M/s Jai Bajranh Mini Rice Mill, situated at Behea Road, Jagdishpur, Police Station- Jagdishpur, District- Bhojpur.

.... Petitioner/s

Versus

1. The State of Bihar.
2. State Food Corporation, through its Managing Director, Patna, Bihar.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rahul Nath

For the Opposite Party/s : Mr. Ram Chandra Singh(App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 21-07-2015 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 420,406,409 and 120B of the Indian Penal Code and section 7 of the E.C. Act.

The prosecution case is that Bhojpur unit of Bihar State Food and Civil Supplies Corporation supplied 6783 quintals of paddy to the petitioner being rice miller under an agreement during the agricultural years 2012-13 and the petitioner was supposed to supply 4544.61 quintals of processed rice. The petitioner supplied only 3240 quintals of processed rice and failed

to supply 1304.61 quintals of processed rice worth Rs.2825211.23/-.

It is submitted by the 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. It is further submitted that the petitioner has already deposited Rs.1,50,000/- which fact is not being disputed by the learned counsel for the BSFC

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 though the notice issued to the petitioner in certificate proceeding was quashed but the certificate proceeding is still pending. 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 State Food and Civil Supplies Corporation 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, Bhojpur at Ara in connection with Jagdishpur P.S. Case No. 60 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 20% of the due amount which will include Rs.1,50,000/- claimed to have deposited earlier by the petitioner, through bank draft within five months in favour of the Bihar State Food and Civil Supplies, Corporation, Patna.

(Dinesh Kumar Singh, J)

Anil/-

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