

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26415 of 2015

Arising Out of PS.Case No. -125 Year- 2015 Thana -PIRO District- BHOJPUR

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1. Anish Kumar Pandey @ Amish Kumar Pandey, S/o Sri Vimal Pandey,
Resident of Village- Garahtha, P.S.- Piro, District-Bhojpur Properitor of
M/s Aditya Mini Rice Mill, situated at Village-Garahtha, P.S.-Piro (Hasan
Bazar), District-Bhojpur

.... Petitioner/s

Versus

1. That State of Bihar.
2. The District Manager, State Food Corporation, Bhojpur at Ara

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Binod Kumar Sinha
For the Opposite Party/s : Dr. Indihar Kumari (App)
For BSFC : Mr. Shailendra Kr. Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 14-07-2015 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
403,406,420,421 and 424 of the Indian Penal Code.

The prosecution case is that Bhojpur unit of Bihar State
Food and Civil Supplies Corporation supplied 4000 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 2680 quintals of processed rice. The petitioner
supplied only 1620 quintals of processed rice and failed to supply
1060 quintals of processed rice worth Rs.22,95,493.60/-.



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 submitted by 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. 43 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 State Food and Civil Supplies Corporation within six months.

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 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 Piro (Hasan Bazar) P.S. Case No. 125 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 through bank draft within six months in favour of the Bihar State Food and Civil Supplies, Corporation, Patna.

(Dinesh Kumar Singh, J)

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