

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35362 of 2015

Arising Out of PS.Case No. -73 Year- 2015 Thana -PARWALPUR District- NALANDA
(BIHARSHARIFF)

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1. Vikash Chandra Koushik S/o - Late Narendra Kumar @ Prasad Sharma
Prop. - M/S - Narayani Rice Mill, Resident of Village - Mai, P.S. -
Parwalpur, District - Nalanda.

.... Petitioner/s

Versus

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

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Krishna Mohan Mishra, Advocate
For the Opposite Party/s : Mr. Chandra Bhushan Prasad(App)

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

2 03-09-2015 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 420, 409 of the Indian Penal Code.

The prosecution case is that under an agreement
the petitioners being the rice miller were supplied 36625.96
quintals of paddy by the Nalanda unit of The Bihar State Food
and Civil Supplies Corporation during the procurement years
2011-12 when he was supposed to supply 23869 quintals of
custom milled rice but the petitioner supplied only 18894
quintals of custom milled rice and failed to supply 7976.86
quintals of processed rice worth Rs. 1,51,76,440/-.



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 appeal is pending against the order, whereby the Certificate Proceeding has been quashed.

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 12 months by five equal installments.

Considering the present stand of the petitioner, let the above named petitioner be released on provisional anticipatory bail for eleven 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, Nalanda in connection with Parwalpur P.S. Case No. 73 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 11 months by five equal installments in favour of the Bihar State Food and Civil Supplies Corporation, Patna.

(Dinesh Kumar Singh, J)

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