

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25575 of 2015

Arising Out of PS.Case No. -98 Year- 2015 Thana -KUDRA District- BHABHUA (KAIMUR)

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Sri Krishna Singh @ Krishan Singh s/o Late Ran Nagina Singh r/o village-
Jehanabad, P.S. Kudra , District- Kaimur (Bhabhua).

.... Petitioner/s

Versus

1. The State of Bihar
2. Bihar State Food & Civil Supplies , Corporation through its District,
Manager Kaimur.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar
For the Opposite Party/s : Mr. Shyam Kumar Singh (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 01-07-2015 Heard learned counsels for the petitioner and the State.

The petitioner being the rice miller is apprehending
arrest in a case registered for the offences punishable under
Sections 409 and 420 of the Indian Penal Code.

The prosecution case is that under an agreement the
petitioner was supplied 1600 quintals of paddy by the Kaimur unit
of Bihar State Food and Civil Supplies Corporation during the
agriculture season 2012-13 when he was supposed to supply 1072
quintals of custom milled rice but the petitioner supplied only
268.5 quintals of custom milled rice and failed to supply 803.5
quintals of processed rice worth ₹17,40,027.46/-.

It is further submitted that processed rice could not be



supplied due to laches on the part of the Bihar State Food Corporation and under Clause 15 and 16 of the agreement, there is provision of recovery of amount by initiating certificate proceeding under Bihar and Orrisa Public Demand Recovery Act, 1914 or getting the issue settled through arbitration, though, the certificate proceeding being Certificate Proceeding No. 57 of 2014 has already been initiated. The petitioner is still ready to supply the balance processed rice.

It is submitted by Mr. Shailendra Kumar Singh, learned counsel for Bihar State Food and Civil Supplies Corporation that the petitioner failed to supply the processed rice within stipulated period and under the agreement, the Bihar State Food and Civil Supplies Corporation is entitled to lodge the criminal case.

The petitioner undertakes to deposit 20% of alleged due amount within a period of six months before the Bihar State Food and Civil Supplies Corporation through bank draft which will be subject to the result of certificate or any other proceeding.

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 12 weeks from today, on furnishing bail bond of ₹10,000/- (ten thousand) with two sureties

of the like amount each to the satisfaction of the learned C.J.M.,
Kaimur at Bhabua in connection with Kudra P.S. Case No. 98 of
2015, subject to the conditions as laid down under Section 438(2)
Cr.P.C.

The provisional bail of the petitioner will be confirmed
by the learned court below on deposit of 20% of alleged due
amount within a period of four months.

(Dinesh Kumar Singh, J)

Amrendra/-

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