

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24737 of 2015

Arising Out of PS.Case No. -86 Year- 2015 Thana -BUXAR INDUSTRIAL District- BUXAR

Ram Jee Sah

.... Petitioner/s

Versus

State of Bihar & Anr

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar Sinha

For the Opposite Party/s : Mr. Ram Sumiran Rai(App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 10-07-2015

Heard learned counsels for the petitioner and the
State.

The petitioner is apprehending arrest in a case
registered for the offences punishable under Sections 406, 120B
and 420 of the Indian Penal Code.

The prosecution case is that under an agreement the
petitioner was supplied 5000 quintals of paddy by the Buxar unit
of Bihar State Food and Civil Supplies Corporation during the
agriculture season 2011-12 when he was supposed to supply 3350
quintals of custom milled rice but the petitioner supplied only
1088.64 quintals of custom milled rice and failed to supply
2261.36 quintals of processed rice worth ₹43,03,670/-.

It is submitted that processed rice could not be
supplied due to laches on the part of the authorities of Bihar State

Food Corporation. Though, the certificate proceeding was also initiated but the same was dismissed. The petitioner is still ready to supply the balance processed rice.

It is submitted by Mr. Awadhesh Kumar, learned counsel for The 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 initiate legal action for recovery of due amount. Though, certificate case was dismissed on technical ground.

The petitioner undertakes to submit bank draft of 20% of alleged due amount within a period of eight months in favour of the Bihar State Food and Civil Supplies Corporation, Patna 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 nine 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., Buxar in connection with Buxar Industrial Area P.S. Case No. 86

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 submission of draft of 20% of alleged due amount within a period of eight months.

(Dinesh Kumar Singh, J)

Amrendra/-

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