

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27224 of 2015

Arising Out of PS.Case No. -164 Year- 2015 Thana -MOHANIA District- BHABHUA (KAIMUR)

1. Mithlesh Kumar @ Mithilesh Kumar Son of Late Ramadhar Singh
resident of village - Lasadhi, P.S. Ramgarh, District - Kaimur at Bhabhua

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sumeet Kumar Singh

For the Opposite Party/s : Mr. Awadhesh Kr.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 apprehending arrest in
a case registered under sections 409 and 420 of the Indian Penal
Code.

The prosecution case is that Kaimur unit of Bihar State
Food and Civil Supplies Corporation supplied 5900 quintals of
paddy to the petitioner being rice miller under an agreement
during the agricultural year 2012-13, and the petitioner was
supposed to supply 3953 quintals of customed milled rice. The
petitioner supplied 1349.50 quintals of rice but failed to supply
2603.50 quintals of rice worth Rs. 56,38,035. 46.

Learned counsel for the petitioner submits that the
petitioner could not supply the rice due to apathetic attitude of the

Bihar State Food and Civil Supplies Corporation, and under the terms of the agreement, B.S.F.C. initiated a certificate proceeding under the Public Demand Recovery Act, 1914 being Certificate Case No. 24 of 2014-2015.

It is submitted by Mr. Amrendra Kumar Singh, learned counsel for the B.S.F.C that the petitioner failed to supply the rice within the stipulated time i.e, 31-12-2013..

However, it is submitted by the learned counsel for the petitioner that the petitioner is ready to deposit 20% of the alleged due amount through bank draft in favour of the State Food and Civil Supplies Corporation within a period of six months.

Considering the present stand of the petitioner, let the above named petitioner be released on provisional anticipatory bail for a period of seven months in the event of arrest or surrender before the 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 Chief Judicial Magistrate, Kaimur at Bhabhua in connection with Mohania P.S. Case No. 164 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 the

alleged due amount within a period of six months through Bank Draft.

The above deposit will be subject to certificate case, but the said deposit will not be an admission of the petitioner against the claim of the informant.

(Dinesh Kumar Singh, J)

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