
1. Paras Nath Singh Son of Late Jiut Singh Proprietor of M/s Suraj Rice Mill Resident of Town Bhabua, Ward No. 6, P.O. + P.S.-Bhabua, Dist.-Kaimur (Bhabua)

.... Petitioner/s

Versus

1. State of Bihar

2. Dist Manager, Bihar State Food & Civil Supplies Corporation Ltd.
Bhabhua, kaimur

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Radha Mohan Pandey

For the Opposite Party/s : Mr. P.K.Jha(App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 11-08-2015

Heard learned counsels for the petitioner

and the State.

Petitioner is apprehending his arrest in a

case registered for the offences punishable under Sections 409 and 420 of the Indian Penal Code.

The prosecution case is that the petitioner being rice miller was supplied 18950 quintals of paddy by the Kaimur unit of Bihar State Food & Civil Supplies Corporation Limited under an agreement during the agriculture year 2012-13 in lieu thereof the petitioner was supposed to supply 12696.50 quintals of Custom Milled Rice(CMR) but the petitioner only supplied 5395 quintals but failed to supply 7301.43 quintals of Custom Milled Rice worth Rs. 1,58,11,684.76/-. Subsequently the petitioner deposited Rs.

15,00,000/- and hence now the due amount remains is Rs. 1,43,11,686.76/-.

It is submitted by learned counsel for the petitioner that custom milled rice was not supplied due to the latches on the part of the authorities of the Bihar State Food & Civil Supplies Corporation Limited. The agreement stipulates recovery of due amount through initiation of certification proceeding under Bihar & Orissa Public Demands Recovery Act, 1914. Consequently the certificate case No. 37 of 2014-15 has already been initiated.

It is submitted by Mr. Sailendra Kumar Singh, learned counsel for the Bihar State Food & Civil Supplies Corporation Limited that petitioner failed to supply the processed rice within stipulated time and legal action is permissible under the agreement for recovery of due amount.

Learned counsel for the petitioner admits that petitioner is ready to deposit 20% of the alleged due amount which includes Rs. 15,00,000/- already deposited within a period of twelve months through bank draft in favour of Bihar State Food & Civil Supplies Corporation, Patna.

Considering the present stand of the petitioner, let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of 12 weeks from today, be released on provisional anticipatory bail for thirteen months on furnishing bail bond of Rs. 10,000/-(ten

thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Kaimur at Bhabhua in connection with Bhabua P.S. Case No. 181 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

The provisional bail of the petitioner will be confirmed by learned Court below on deposit of 20% of the alleged due amount which includes Rs. 15,00,000/- already deposited.

The aforesaid deposit will be subject to certificate proceeding but the same will not be treated to be an admission of the petitioner against the claim of the informant.

(Dinesh Kumar Singh, J)

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