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Roshan Jaiswal, son of Satendra Prasad Jaiswal, Proprietor, M/s. Roshan Rice Mill, resident of village Ramnagar, P.O. & P.S. Ramnagar, District West Champaran.

Versus

- Opposite Parties

For the Petitioner/s : Mr. Suraj Samdarshi, Adv.
For the Opposite Party/s : Mr. C.Sen Pd.Singh, APP

2 04-09-2015 Heard learned counsels for the petitioner
and the State.

The prosecution case is that West Champaran unit of Bihar State Food and Civil Supplies Corporation Limited supplied 10372.70000 quintals of paddy to the petitioner being rice miller under an agreement during the procurement years 2012-2013 and in lieu thereof the petitioner was supposed to supply 6949.70900 quintals of custom milled

rice. The petitioner supplied only 1347.38608 quintals of custom milled rice and failed to supply 5602.31300 quintals of custom milled rice worth Rs.1,21,32,166.60/-.

It is submitted by learned counsel for the petitioner that the rice could not be supplied due to apathetic attitude of the officials of the Bihar State Food and Civil Supplied Corporation and under agreement the due amount was supposed to be realized by initiating certificate proceeding and consequently Certificate Case No. 13 of 2013-14 was initiated. Moreover, the petitioner has already deposited Rs.16,00,000/-.

Learned counsel for the BSFC submits that the petitioner failed to make supply rice within stipulated period i.e. 31.12.2013.

However, learned counsel for the petitioner submits that the petitioner is ready to deposit 20% of the alleged due of Rs.1,05,32,166.60 which will include Rs.16,00,000/- already deposited within a period of five months in five equal instalments through bank draft in favour of the State Food and Civil Supplies Corporation in two equal installment though the statement to that effect has not been made in the petition.

Considering the present stand of the petitioner, let the above named petitioner be released on

provisional anticipatory bail for six months in the event of his arrest or surrender before the learned court below within a period of twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Bagaha in connection with Ramnagar P. S. Case No. 68 of 2015, subject to the conditions as laid down under Section 438(2) of the 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 20 % of the due amount through bank draft within five months in five equal instalments in favour of the Bihar State Food and Civil Supplied Corporation, Patna, which would include Rs.16 lakhs already deposited by the petitioner.

(Dinesh Kumar Singh, J)

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