

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26769 of 2015

Arising Out of PS.Case No. -57 Year- 2015 Thana -BARUN District- AURANGABAD

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1. Shekhar Kumar S/o Sri Siddheshwar Prasad R/o Village Jankop , P.S. -
Barun , in the District of Aurangabad , Proprietor M/s Shankar Rice Mill,
Jamkop , P.S. Barun, Aurangabad.

.... Petitioner/s

Versus

1. The State of Bihar
2. Bihar State Food & Civil Supplies Corporation , Bihar, Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Singh, Advocate

For the Opposite Party/s : Mr. Hirday Pd.Singh(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 20-07-2015 Heard learned counsel for the petitioner and the
State.

The petitioner is apprehending his arrest in a case
registered for the offences punishable under Sections 409, 406,
420/34 of the Indian Penal Code.

The prosecution case is that under an agreement
the petitioner being the rice miller was supplied 1694.94
quintals of paddy by the Aurangabad unit of The Bihar State
Food and Civil Supplies Corporation during the agriculture
season 2012-13 when he was supposed to supply 1135.60
quintals of custom milled rice but the petitioner supplied only
270 quintals of custom milled rice and failed to supply 865.60
quintals of processed rice worth Rs. 18,74,530/-.

It is submitted that processed rice could not be



supplied due to laches on the part of the authorities of Bihar State Food Corporation and under the agreement there is provision of recovery of alleged amount by initiating certificate proceeding, though Certificate Case No. 91 of 2014-15 has already been initiated. The petitioner is still ready to supply the balance processed rice.

It is submitted by learned counsel for the Bihar State Food and Civil supplies Corporation that the petitioner failed to supply the processed rice within stipulated period i.e. 31.12.2013 and under the agreement, the Bihar State Food and Civil Supplies Corporation is entitled to initiate legal action for recovery of due amount.

The petitioner undertakes to submit bank draft of 20% of alleged due amount within a period of five months in favour of The Bihar State Food and Civil Supplies Corporation, Patna though, 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 arrest or surrender before the learned court below within a period of 12 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 the learned Chief Judicial Magistrate, Aurangabad in connection with Baroon P.S. Case No. 57 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 five months. The above deposit will be subject to certificate proceeding.

(Dinesh Kumar Singh, J)

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