

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31024 of 2015

Arising Out of PS.Case No. -110 Year- 2015 Thana -MOTIHARI MUFASIL District-
EASTCHAMPARAN(MOTIHARI)

Om Prakash Prasad, son of late Deolal Sah

.... Petitioner/s

Versus

State of Bihar & Anr

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. N. K. Agrawal, Sr. Advocate
Mr. Dhananjaya Nath Tiwari, Advocate
For the Opposite Party/s : Mr. Shailendra Kumar No.1(App)
For the BSFC : Mr. Amrendra Narayan Rai, Advocate
Mr. Awadhesh Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 04-08-2015 Heard learned counsels for the petitioner and Bihar
State Food and Civil Supplies Corporation Ltd.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 409 and 420 of the Indian Penal Code.

The prosecution case is that under an agreement the petitioner being rice miller was supplied 3700 quintals of paddy by the Motihari unit of Bihar State Food and Civil Supplies Corporation Ltd. during the agriculture season 2012-13 in lieu thereof he was supposed to supply 67% of custom milled rice to the tune of 2479 quintals. The petitioner supplied only 810 quintals of custom milled rice but failed to supply 1669 quintals of processed rice worth ₹36,14,319.64/-.



It is submitted by learned Sr. Counsel for the petitioner that processed rice could not be supplied due to laches on the part of the authorities of the Bihar State Food and Civil Supplies Corporation Ltd. and under the terms of agreement due amount was to be recovered by initiating certificate proceeding. Consequently, certificate proceeding was also initiated being Certificate Case No.31/2014-15. However, 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 Ltd. that the petitioner failed to supply the processed rice within stipulated period i.e. 31.12.2014 and under the agreement, the Bihar State Food and Civil Supplies Corporation Ltd. was empowered to initiate legal action for recovery of due amount.

The petitioner undertakes to submit bank draft of 20% of alleged due amount of ₹36,14,319.64/- within a period of six months through bank draft in favour of the Bihar State Food and Civil Supplies Corporation Ltd., 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 seven 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 Sub-Divisional Judicial Magistrate, Sadar, Motihari in connection with Motihari (Muffasil) P.S. Case No.110 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 bank draft of 20% of alleged due amount within a period of six months.

The above deposit will be subject to the certificate proceeding but will not be treated as admission of the petitioner to the claim of the informant.

(Dinesh Kumar Singh, J)

Ashwini/-

U		T	
---	--	---	--