

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37984 of 2015

Arising Out of PS.Case No. -125 Year- 2015 Thana -JOGAPATTI District-
WESTCHAMPARAN(BETTIAH)

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1. Chandan Prasad Son of Sri Jamuna Prasad resident of village -
Sanichari, New Basti, Police Station - Sanichari, District - West
Champaran at Bettiah and Proprietor of M/S Bhagwati Rice Mill,
Sanichari, Yogapatti

.... Petitioner/s

Versus

1. The State of Bihar
2. The Bihar State Food & Civil Supplies Corporation, through District
Manager, West Champaran at Bettiah

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ravi Shanker Pankaj
For the Opposite Party/s : Mr. B.Ram(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 22-09-2015 Heard learned counsels for the petitioner
and the State.

Petitioner is apprehending his arrest in a
case registered for the offences punishable under Sections 406,
409 and 420 of the Indian Penal Code.

The prosecution case is that the petitioner
being rice miller was supplied 4369.80 quintals of paddy by the
West Champaran unit of The Bihar State Food & Civil Supplies
Corporation Limited under agreement during the agriculture
years 2012-13, in lieu thereof the petitioner was supposed to
supply 2927.766 (67% of paddy supplied) quintals of Custom
Milled Rice(CMR). The petitioner supplied only 810 quintals
and failed to supply 2117.766 quintals of Custom Milled Rice

worth Rs. 45,86,149.34/-.

It is submitted by learned counsel for the petitioner that custom milled rice could not be 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 and consequently Certificate Case No. 10 of 2014-15 was initiated.

It is submitted by Mr. Awadhesh Kumar, learned counsel for The Bihar State Food & Civil Supplies Corporation Limited that petitioner failed to supply the processed rice within stipulated time i.e. 31.12.2013 and under the terms of the agreement legal action was permissible and consequently the present F.I.R was registered.

However, learned counsel for the petitioner admits that petitioner is ready to deposit 20% of the alleged due amount within a period of six months through bank draft in favour of The Bihar State Food & Civil Supplies Corporation Limited, Patna. Though statement to that effect has not been made in the petition.

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 seven months on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Bettiah, West Champaran in connection with Yogapatty (Sanichari) P.S. Case No. 125 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 through bank draft in favour of The Bihar State Food & Civil Supplies Corporation Limited, Patna.

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

(Dinesh Kumar Singh, J)

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