

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36153 of 2015

Arising Out of PS.Case No. -386 Year- 2015 Thana -SASARAM MUFFSIL District- SASARAM
(ROHTAS)

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1. Santosh Kumar Son of Ram Kedar Choudhary, Proprietor M/S Panch Murti Mini Rice Mill, Resident of village - Balathua, P.S. Sasaram (M), Distt. - Rohtas

.... Petitioner/s

Versus

1. The State of Bihar
2. The Distt. Manager, Bihar State Food and Civil Supply Corporation, Rohtas at Sasaram

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajani Kant Singh, Advocate
For the Opposite Party/s : Mr. Rina Sinha(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 07-09-2015 Heard learned counsel for the petitioner and the State.

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

The prosecution case is that under an agreement the petitioner being the rice miller was supplied 4118 quintals of paddy by the Sasaram unit of The Bihar State Food and Civil Supplies Corporation during the procurement years 2011-12 in lieu thereof he was supposed to supply 2759.06 quintals of custom milled rice but the petitioner supplied only 1882.20 quintals of custom milled rice and failed to supply 876.86 quintals of processed rice worth Rs. 1668778.57/-



It is submitted that processed rice could not be supplied due to laches on the part of the authorities of Bihar State Food Civil and Civil Supplies Corporation and under agreement the due amount was supposed to be realized by initiating Certificate Proceeding under the provision of Bihar and Orissa Public Demands Recovery Act, 1914 or through arbitration.

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 has already initiated legal proceeding being Certificate Case No. 16/2013-14.

However, it is submitted by learned counsel for the petitioner that the petitioner will deposit 20% of the alleged due amount through bank draft in favour of the Bihar State Food and Civil Supplies Corporation within four months in four monthly equal installments.

Considering the present stand of the petitioner, let the above named petitioner be released on provisional anticipatory bail for five months, in the event of arrest or surrender before the learned court below within a period of six 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, Rohtas at

Sasaram in connection with Sasaram (M) P.S. Case No. 386 of 2015, subject to the conditions as laid down under Section 438(2) 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 draft of 20% of alleged due amount within a period of four months in four monthly equal installments in favour of the Bihar State Food and Civil Supplies Corporation, Patna.

(Dinesh Kumar Singh, J)

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