

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33837 of 2015

Arising Out of PS.Case No. -142 Year- 2015 Thana -BUXAR MUFFSIL District- BUXAR

Ashutosh Srivastava @ Ashutosh Kumar Srivastav SriVijay Shankar Prasad
Resident of Village-Pandeypatti, P.O. Pandeypatti, P.S. Buxar (Muffasil),
District Buxar.

.... Petitioner/s

Versus

1. The State of Bihar
2. The Bihar State Food and Civil Supply Corporation Limited Buxar
(Bihar)

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhubneshwar Prasad, Advocated
For the Opposite Party/s : Mr. J. N. Thakur, APP
For O.P. No. 2. : Mr. Shailendra Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

02/ 31-08-2015 Heard learned counsels for the petitioner
and the State.

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

The prosecution case is that Buxar unit of Bihar State Food and Civil Supplies Corporation supplied 3000 quintals of paddy to the petitioner being rice miller under an agreement during the agricultural years 2011-12 in lieu thereof the petitioner was supposed to supply 2010 quintals of custom milled rice. The petitioner supplied only 269.31 quintals of

custom milled rice and failed to supply 1740.69 quintals of custom milled rice worth Rs.33,12,761/-.

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 Supplies Corporation and under agreement the due amount was supposed to be realized by initiating certificate proceeding and the certificate proceeding has been quashed.

It is submitted by learned counsel for the BSFC Mr. Shailendra Kumar Singh that the petitioner failed to make supply within time frame i.e. 31.12.2012 and the appeal is pending against the quashing of certificate proceeding.

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 State Food and Civil Supplies Corporation within five months.

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 Chief Judicial Magistrate, Buxar in connection with Buxar (Muffasil) P.S. Case No. 142 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 favour of The Bihar State Food and Civil Supplies Corporation, Patna.

(Dinesh Kumar Singh, J)

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