

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1488 of 2016

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1. Mahaveer Sah son of Late Kashi Sah, resident of village- and P.S.-
Dharampura, District- Rohtas

.... Petitioner/s

Versus

1. The State of Bihar
2. The Bihar State Food Corporation through the District Manager, Rohtas

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Siddharth Harsh

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

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 12-01-2016

Heard learned counsels for the petitioner and the State.

The petitioner being a rice miller is apprehending 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 Sasaram unit of Bihar State Food and Civil Supplies Corporation Ltd. supplied 2000 quintals of paddy to the petitioner being rice miller under an agreement during the agricultural years 2012-13 in lieu thereof the petitioner was supposed to supply 1340 quintals of custom milled rice. The petitioner supplied only 537.40 quintals of processed rice but failed to supply 802.60 quintals of processed rice worth Rs.17,38,078.46/-.

It is submitted by the learned counsel for the petitioner

that the rice could not be supplied due to supply of poor quality of paddy and the apathetic attitude of the officials of The Bihar State Food and Civil Supplies Corporation Ltd. Moreover, 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 BSFC that the petitioner failed to make supply within time frame i.e. 31.12.2013 and the BSFC has already initiated 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 Bihar State Food and Civil Supplies Corporation Ltd. in four equal monthly installments within four months 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 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 learned ACJM II, Sasaram, Rohtas in connection with Kargahar (Barahari O.P.)

P.S. Case No. 287 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 20% of the due amount through bank draft within four months in four equal monthly installments in favour of Bihar State Food and Civil Supplies, Corporation Ltd., Patna.

(Dinesh Kumar Singh, J)

Anil/-

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