

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.57997 of 2015

Arising Out of PS.Case No. -29 Year- 2015 Thana -DARIHAT District- SASARAM (ROHTAS)

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Punam Devi Wife of Sri Yashwant Kumar Singh

.... Petitioner/s

Versus

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

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ranjeet Ranjan, Advocate

For the Opposite Party/s : Mr. Nitya Nand Tiwary (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 04-01-2016

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 2200 quintals of paddy by the Rohtas unit of Bihar State Food and Civil Supplies Corporation Ltd. during the procurement years 2012-13 in lieu thereof he was supposed to supply 1474 quintals of custom milled rice (67% of paddy supplied) . The petitioner supplied only 268.85 quintals of custom milled rice but failed to supply 1205.35 quintals of processed rice worth ₹2,61,0257.75/-.

It is submitted by learned 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 Case No.42/2015-16 was also initiated.

It is submitted by Mr. Shailendra Kumar Singh, 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. 31.12.2013 and under the agreement, the Bihar State Food and Civil Supplies Corporation Ltd. was empowered to initiate legal action for recovery of due amount. Though, Certificate Case No.42/2015-16 has already been initiated.

However, the petitioner undertakes to submit bank draft of 20% of alleged due amount of Rs.2,61,0257.75/- within a period of six months, in six monthly installments, 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 CJM, Rohtas at Sasaram in connection with Darihat P.S. Case No.29/2015, 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 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)

Ashwini/-

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