

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6280 of 2016

Arising Out of PS.Case No. -301 Year- 2013 Thana -MOHANIA District- BHABHUA (KAIMUR)

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Arun Sah

.... Petitioner/s

Versus

State of Bihar & Anr

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sumeet Kumar Singh, Adv.

For the Opposite Party/s : Mr. Sanjay Kumar (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 09-02-2016

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

The prosecution case is that under an agreement the during the agriculture year 2011-12, petitioner being the rice miller was supplied 4940 quintals of paddy by the Kaimur unit of the Bihar State Food and Civil Supplies Corporation Ltd., in lieu thereof the petitioner was supposed to supply 3309.80 quintals of custom milled rice and he supplied only 539 quintals of custom milled rice but failed to supply 2770.80 quintals of processed rice worth ₹52,73,193/-.

It is submitted that processed rice could not be supplied due to laches on the part of the authorities of the Bihar State Food Corporation Ltd., and the certificate proceeding has

already been quashed. However, the petitioner is still ready to supply the balance processed rice.

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. 30.04.2013 and under the agreement, the Bihar State Food and Civil Supplies Corporation is entitled to initiate legal action for recovery of due amount. Moreover, the appeal is pending against the order quashing certificate proceeding.

However, learned counsel for the petitioner submits that the petitioner is ready to deposit of 20% of alleged due amount of ₹52,73,193/- within a period of four months in four monthly equal 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 five 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, Mohania District- Kaimur (Bhabhua) in connection with Mohania P.S. Case No. 301 of 2013, 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 of ₹52,73,193/- in favour of Bihar State Food and Civil Supplies Corporation Ltd., within a period of four months in four monthly equal installment.

The above deposit will be subject to the 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)

Amrendra/-

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