

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37874 of 2016

Arising Out of PS.Case No. -286 Year- 2016 Thana -MARHOWRAH District- SARAN

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Dinesh Singh (M/S Ambey Rice Mill), Son of Sri Hari Nandan Singh,
Resident of Village Rampur, Police Station – Marhourah, District – Chapra
at Saran.

.... Petitioner

Versus

1. The State of Bihar
2. The District Manager, Bihar State Food and Civil Supplies Corporation,
Chapra at Saran.

.... Opposite Parties

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Appearance :

For the Petitioner : Mr. Amir Alam, Advocate.

For the Opposite Parties : Mr. Rajendra Prasad, APP.

For the B.S.F.C. : Mr. Manas Prakash, Advocate.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 05-10-2016 Heard both sides.

The petitioner apprehends his arrest in Marhowrah P.S.
Case No. 286 of 2016 registered for the offences punishable under
Sections 409 and 420 of the Indian Penal Code.

The District Manager, B.S.F.C., Chapara alleged that
the petitioner received 12219.20 quintals of rice and petitioner had
to deliver 67% of the aforesaid amount i.e. 8186.80 quintals of
CMR. The petitioner delivered only 7947.00 quintals of CMR to
the B.S.F.C. and 239.80 quintals of CMR is still lying due against
the petitioner and the price of which comes to Rs. 5,93,367.26/-

Learned counsel for the petitioner submits that Rs.
8,82,115.00/- of the petitioner is lying due on the head of freight



charge, milling charge etc. against the Bihar State Food Corporation, Chapra. The petitioner wrote a letter to the District Manager, B.S.F.C., Chapra who acknowledged the due of the petitioner vide Annexure-2. The petitioner also wrote a letter to the District Manager, B.S.F.C., Chapra that out of Rs. 8,82,115.00/-, Rs. 5,93,367.26/- which is lying due against the petitioner, may be adjusted and the remaining amount be paid to the petitioner, on such learned counsel for the B.S.F.C. submitted that it is true that Annexure-2 is written by the District Manager, B.S.F.C., Chapra, but according to the agreement the miller has to firstly pay the entire amount of rice only thereafter, the freight charge, milling charge, etc. shall be paid and the policy decision has been taken to this effect.

On the face of record, it appears that Rs. 5,93,367.26/- is lying due against the petitioner whereas Rs. 8,82,115.00/- of the petitioner is lying due against the corporation, the corporation may adjust his dues from the dues of the petitioner lying against the corporation.

Considering the facts aforesaid, the petitioner above named, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, is directed to be

enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the Additional Chief Judicial Magistrate, Saran at Chapra in Marhowrah P.S. Case No. 286 of 2016, Subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J.)

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