

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29 of 2016

Arising Out of PS.Case No. -1179 Year- 2015 Thana -SASARAM MUFFSIL District- SASARAM
(ROHTAS)

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1. Om Prakash Gupta Prop M/s Om Mini Rice mill , Son of Sri Bhagwan
Sah Resident of Village- Beda, P.s Sasaram(Mufassil) District Sasaram.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The District Manager, Bihar State Food and Civil Supplies Corporation,
Rohtas at Sasaram, District- Rohtas (Sasaram)

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sumeet Kumar Singh, Advocate
For the B.S.F.C. : Mr. Shailendra Kumar Singh, Advocate
For the Opposite Party/s : Mr. Durgesh Nandan(App)

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH**
ORAL ORDER

2 05-01-2016 Heard learned counsel for the petitioner and the

State.

The petitioner being a rice miller apprehending his

arrest in a case registered for the offences punishable under

Sections 409, 420 of the Indian Penal Code.

The prosecution case is that under an agreement

the petitioner being the rice miller was supplied 3900.00

quintals of paddy by the Sasaram unit of The Bihar State Food

and Civil Supplies Corporation Limited during the procurement

years 2012-13 in lieu thereof he was supposed to supply

2613.00 quintals of custom milled rice but the petitioner

supplied only 2153.35 quintals of custom milled rice and failed

to supply 459.65 quintals of processed rice worth Rs.

995399.65/-.



It is submitted that processed rice could not be supplied due to laches on the part of the authorities of Bihar State Food Civil and Civil Supplies Corporation Limited and 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 Bihar State Food and Civil supplies Corporation Limited 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 Limited has already initiated legal proceeding being Certificate Case No. 79 of 2014-15. Certificate was quashed on technical ground.

However, it is submitted by learned counsel for the petitioner that the petitioner will deposit 20% of the alleged due amount of Rs. 995399.65/- through bank draft in favour of the Bihar State Food and Civil Supplies Corporation, Patna Limited within four months in four equal monthly installments.

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 twelve 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 the learned Chief Judicial Magistrate, Rohtas (Sasaram) in connection with Sasaram (Muffasil) P.S. Case No. 1179 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 draft of 20% of alleged due amount Rs. 995399.65/- within a period of four months in four equally monthly installments in favour of the Bihar State Food and Civil Supplies Corporation Limited, Patna.

(Dinesh Kumar Singh, J)

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