

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35573 of 2016

Arising Out of PS.Case No. -53 Year- 2016 Thana -KAJI MUHAMMADPUR District-
MUZAFFARPUR

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1. SHREEKRISHAN KUMAR @ KRISHNA KUMAR Son of late Harangi
Singh Resident of Village Nimi, PS. shekhopur Sarai District Sheikhpura.

.... Petitioner/s

Versus

1. The State of Bihar
2. The District Manager, Bihar State Food & Civil Supplies Corporation
limited, Muzaffarpur.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Suraj Samdarshi, Advocate

For the Opposite Party/s : Mr. Smt Anuradha Singh

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

3 31-08-2016 Heard learned counsel for the petitioner and the
State.

The petitioner being a rice miller is apprehending
his arrest in a case registered for the offences punishable under
Sections 420 and 379 of the Indian Penal Code.

The prosecution case is that Muzaffarpur unit of
Bihar State Food and Civil Supplies Corporation Limited
supplied 8668.56 quintals of paddy to the petitioner being rice
miller under an agreement during the procurement years 2012-
13 and in lieu thereof the petitioner was supposed to supply
5807.94 quintals of custom milled rice but the petitioner
supplied only 270 quintals of processed rice and failed to
supply 5537.94 quintals of custom milled rice worth Rs.

1,19,92,74.92.

The Bihar State Food and Civil Supplies Corporation Limited realized for forfeiting the security to the tune of Rs. 50,00,000/- and apart from that Rs. 5,00,000/- deposited by the petitioner through bank draft hence, the F.I.R. has been lodged for Rs. 64,92,741.35/-.

It is submitted by learned counsel for the petitioner that the rice could not be supplied due to laches on the part of the authorities of the 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 and the Certificate Proceeding has already been initiated.

During the inspection, the Bihar State Food and Civil Supplies Corporation Limited found 15 lots of processed rice stored in the godown of the petitioner. Document to that effect has been brought on record as Annexure-3. However, Certificate Case No. 564 of 2015 has already initiated.

Mr. Shailendra Kumar Sinha, learned counsel for the Bihar State Food and Civil supplies Corporation Limited submits that the petitioner failed to make supply the processed rice within stipulated period i.e. 31.12.2013 and under the terms of agreement, the Bihar State Food and Civil Supplies Corporation Limited has already initiated Certificate Proceeding for

recovery of the alleged due amount.

However, it is submitted by learned counsel for the petitioner that the petitioner will deposit 20% of the alleged due amount of Rs. 64,92,741.35/- through bank draft in favour of the Bihar State Food and Civil Supplies Corporation Limited within four months in four monthly installments. 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 his 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, Muzaffarpur in connection with Kazi Mohammadpur P.S. Case No. 53 of 2016, 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 within a period of four months in four equal monthly installments in favour of the Bihar State

Food and Civil Supplies Corporation Limited, Patna.

(Dinesh Kumar Singh, J)

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