

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2884 of 2016

Arising Out of PS.Case No. -1209 Year- 2015 Thana -SASARAM NAGAR District- SASARAM
(ROHTAS)

1. Brajesh Kumar Singh, son of Bipin Bihari Singh Proprietor of M/s
Sumedha Mini Rice Mill resident of Village- Hurka Tilauthu, P.O.- Hurka,
P.S.- Tilauthu, District- Rohtas (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

Appearance :

For the Petitioner/s : Mr. Sumeet Kumar Singh

For the Opposite Party/s : Mr. P.K. Chourasiya (App)

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

ORAL ORDER

2 19-01-2016 Heard learned counsels for the petitioner and the State.

The petitioner being a rice miller 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 Sasaram unit of Bihar State
Food and Civil Supplies Corporation Ltd. supplied 2600 quintals
of paddy to the petitioner being rice miller under an agreement
during the agricultural years 2012-13 in lieu thereof the petitioner
was supposed to supply 1742 quintals of custom milled rice. The
petitioner supplied only 810 quintals of processed rice but failed to
supply 932 quintals of processed rice worth Rs.20,18,301.92/-.



It is submitted by the learned counsel for the petitioner that the rice could not be supplied due to supply of poor quality of paddy and the apathetic attitude of the officials of The Bihar State Food and Civil Supplies Corporation Ltd. Moreover, 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 BSFC that the petitioner failed to make supply within time frame i.e. 31.12.2013 and the BSFC has already initiated certificate proceeding.

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

Rohtas at Sasaram in connection with Sasaram (Tilauthu) P.S.
Case No. 1209 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 20% of the due
amount through bank draft within four months in four equal
monthly installments in favour of Bihar State Food and Civil
Supplies, Corporation Ltd., Patna.

(Dinesh Kumar Singh, J)

Anil/-

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