

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10750 of 2016

Arising Out of PS.Case No. -34 Year- 2014 Thana -MADHUBANI TOWN District- MADHUBANI

Sanjay Kumar Sah son of Sri Ramu Sah, resident of Village- Balha, P.S.-
Keoti, District-Darbhanga.

.... Petitioner/s

Versus

1. The State of Bihar
2. District Manager, BSFC, Madhubani.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amit Kumar

For the Opposite Party/s : Mr. L.K.Sharma(App)

For BSFC : Mr. Shailendra Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

02/ 14-03-2016

Heard learned counsels 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 406, 409 and 420 of the Indian Penal Code.

The prosecution case is that Madhubani unit of Bihar State Food and Civil Supplies Corporation supplied 19189.76.00 quintals of paddy to the petitioner being rice miller under an agreement during the procurement years 2011-12 and in lieu thereof the petitioner was supposed to supply 12857.73.920 quintals of custom milled rice. The petitioner supplied only 10068.79.000 quintals of custom milled rice and

failed to supply 278888.34.920 quintals of custom milled rice worth Rs.8,31,041.00/-.

It is submitted by learned counsel for the petitioner that earlier the claim of due amount was of Rs. Fifty three lakhs but the amounts have been paid and now the FIR has been lodged for Rs.8,31,041.00/-, though the certificate proceeding has been quashed but as per Mr. Shailendra Kumar Singh, learned Counsel for the Bihar for the BSFC appeal is pending.

However, it is submitted by learned counsel for the petitioner that the petitioner will deposit 20% of the alleged due amount of Rs. 8,31,041.00/- through bank draft in favour of The State Food and Civil Supplies Corporation Ltd., Patna within two 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 three 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 bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate,

Madhubani in connection with Madhubani Town P.S. Case No. 34 of 2014, subject to the conditions as laid down under Section 438(2) of the 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 any proceeding initiated or pending for recovery of the due amount.

The provisional bail of the petitioner will be confirmed by the learned court below on submission of 20% of the due amount of Rs.8,31,041.00/- through bank draft within two months in favour of The Bihar State Food and Civil Supplies Corporation Ltd., Patna.

(Dinesh Kumar Singh, J)

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