

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30801 of 2016

Arising Out of PS.Case No. -19 Year- 2016 Thana -KUCHILA District- BHABHUA (KAIMUR)

=====

Ranjeet Bahadur Singh Son of Rang Bahadur Singh Resident of village-
Pariyari, P.S.- Kuchila, District- Kaimur (Bhabhua)

.... Petitioner/s

Versus

1. The State of Bihar
2. The Bihar State Food and Civil Supplies Corporation, through its District
Manager, Kaimur (Bhabhua)

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Sumeet Kumar Singh

For the Opposite Party/s : Mr. Aditya Prakash

=====

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

2 03-08-2016 Heard learned counsel for the parties.

The petitioner being the rice miller is apprehending his
arrest in a case registered for the offences punishable under
sections 409 and 420 of the Indian Penal Code.

Prosecution case is that Kaimur State Food Corporation
supplied 8300 quintals of rice during the year 2011-12. In lieu
thereof the petitioner was supposed to supply 67% of the supplied
paddy the Customed Mill Rice (C.M.R.) to the tune of 5561
quintals but the petitioner supplied only 2430 quintals of rice and
failed to supply 3131 quintals of rice worth Rs. 49,08,700.03.

It is submitted by the learned counsel for the petitioner that
the accusation has been levelled in the background of contractual



relationship between the petitioner and B.S.F.C. The petitioner has already deposited Rs.10,50,000/-. The balance rice could not be deposited due to laches on the part of the authorities of the Bihar State Food and Civil Supplies Corporation. Though the certificate proceeding is quashed and the matter is lying in appeal before the Supreme Court. However, the petitioner is ready to deposit 20% of the alleged due amount of Rs.49,08,700.03 within a period of four months in four instalments through Bank Draft.

Mr. Aditya Prakash, learned counsel for the B.S.F.C., submits that the amount is due since 2011-12. The B.S.F.C. has no objection in accepting the deposit of draft.

Considering the present stand of the petitioner, let the abovenamed 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 12 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 Chief Judicial Magistrate, Bhabua in connection with Kuchila P.S. Case No. 19/2016, subject to the conditions as laid down under section 438(2) of the Cr.P.C.

The provisional bail of the petitioner will be confirmed by the learned court below on submission of draft of 20% of the

alleged due amount within a period of four months.

The above payment will be subject to the result of any recovery proceeding pending or initiated against the petitioner but it will not amount to admission of the petitioner against the claim of the petitioner.

(Dinesh Kumar Singh, J)

Surendra/-

U			
---	--	--	--