

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35923 of 2016

Arising Out of PS.Case No. -194 Year- 2016 Thana -BAGHA District-
WESTCHAMPARAN(BETTIAH)

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1. Vishwanath Kedia, Son of Anadi Lal Kedia, resident of Village
Dubhwalia, P.S Bagaha (Patkhauri), District- West Champaran.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The District Manager, Bihar State Food & Civil Supplies Corporation
Limited, West Champaran, Bettiah.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Suraj Samdarshi &
Mr. Sajal Kumar Sinha, Advocates
For the B.S.F.C. : Mr. Harish Kumar, Advocate
For the State : Mr. Anil Kumar, A.P.P.

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

2 07-09-2016 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 406, 420, 409 of the Indian Penal Code.

The prosecution case is that Bettiah unit of Bihar
State Food and Civil Supplies Corporation Limited supplied
14098 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 67%
custom milled rice but the petitioner supplied only 7013.681
quintals of processed rice and failed to supply 2431.976

quintals of custom milled rice worth Rs. 52,66,589.95/-. Though, the petitioner subsequently deposited Rs. 16,38,250/- through bank draft but he failed to deposit Rs. 36,28,339.95/-.

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.

It is submitted by Mr. Shailendra Kumar Sinha, learned counsel for the Bihar State Food and Civil supplies Corporation Limited 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 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 i.e. Rs. 36,28,339.95/- through bank draft in favour of the Bihar State Food and Civil Supplies Corporation Limited within four months in four monthly equal 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 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, West Champaran, Bettiah in connection with Bagaha (Patkhauri) P.S. Case No. 194 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 recovery 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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