

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.165 of 2016

Arising Out of PS.Case No. -1183 Year- 2015 Thana -SASARAM MUFFSIL District- SASARAM
(ROHTAS)

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1. Rameshwar Singh, Prop.- M/S Krishak Rice Mill Beda (Balthuwa)-
Sasaram, son of Ramji Singh, resident of village- Bela (Balthuwa), P.O.-
Moresarai, P.s.- Sasaram (Muffasil), 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

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Appearance :

For the Petitioner/s : Mr. Sumeet Kumar Singh, Advocate
For the Opposite Party/s : Mr. Indra Kr. Singh (App)

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

2 06-01-2016 Heard learned counsel for the petitioner and the
State.

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

The prosecution case is that under an agreement
the petitioner being the rice miller was supplied 4800 quintals
of paddy by the Sasaram unit of The Bihar State Food and Civil
Supplies Corporation Limited during the procurement years
2012-13 in lieu thereof he was supposed to supply 3216.00
quintals of custom milled rice (67% of the paddy supplied) but
the petitioner supplied only 1077.35 quintals of custom milled
rice and failed to supply 2138.65 quintals of processed rice

worth Rs. 46,31,374.89/-.

It is submitted that processed rice could not be supplied due to laches on the part of the authorities of 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.

It is submitted by learned counsel for the Bihar State Food and Civil supplies Corporation Limited that the petitioner failed to supply the processed rice within stipulated period i.e. 31.12.2013 and under the agreement, the Bihar State Food and Civil Supplies Corporation Limited has already initiated legal proceeding against the petitioner.

However, it is submitted by learned counsel for the petitioner that the petitioner will deposit 20% of the alleged due amount of Rs. 46,31,374.89/- through bank draft in favour of the Bihar State Food and Civil Supplies Corporation Limited, Patna within five months in five monthly installments.

Considering the present stand of the petitioner, let the above named petitioner be released on provisional anticipatory bail for six months, in the event of 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, Rohtas, Sasaram in connection with Sasaram (Muffasil) P.S. Case No. 1183 of 2015, subject to the conditions as laid down under Section 438(2) Cr.P.C.

The provisional bail of the petitioner will be confirmed by the learned court below on submission of draft of 20% of alleged due amount of Rs. 46,31,374.89/- within a period of five months in five monthly equal installments in favour of the Bihar State Food and Civil Supplies Corporation Limited, Patna.

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.

(Dinesh Kumar Singh, J)

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