

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.161 of 2016

Arising Out of PS.Case No. -1168 Year- 2015 Thana -SASARAM NAGAR District- SASARAM
(ROHTAS)

=====

1. Sudama Singh, Prop.- M/S Jai Maa Durga Mini Rice Mill, son of Sri Ram Prasad Singh @ Sri Sudama Singh, resident of village- Badki Karpurva, P.S.- Darigaon, District- Rohtas

.... Petitioner/s

Versus

1. The State of Bihar
2. The District Manager, Bihar State Food and Civil Supplies Corporation, Rohtas at Sasaram, Bihar at Patna

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Sumeet Kumar Singh, Advocate
For the B.S.F.C. : Mr. Shailendra Kumar Singh, Advocate
For the Opposite Party/s : Mr. Duresh Nandan (App)

=====

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 5000 quintals of paddy by the Sasaram unit of The Bihar State Food and Civil Supplies Corporation Limited during the procurement years 2011-12 in lieu thereof he was supposed to supply 3350.00 quintals of custom milled rice (67% of the paddy supplied) but the petitioner supplied only 2138.50 quintals of custom milled

rice and failed to supply 1211.50 quintals of processed rice worth Rs. 23,05,641.99/-.

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 Mr. Shailendra Kumar Sinha, learned counsel for the Bihar State Food and Civil supplies Corporation 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 has already initiated legal proceeding being Certificate Case No. 65 of 2013-14 which has been quashed on technical ground and the 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. 23,05,641.99/- through bank draft in favour of the Bihar State Food and Civil Supplies Corporation Limited, Patna within a period of three months.

Considering the present stand of the petitioner, let the above named petitioner be released on provisional anticipatory bail for four 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 (Darigaon) P.S. Case No. 1168 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. 23,05,641.99/- within a period of three months 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)

P.K./-

U		T	
---	--	---	--