

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4487 of 2016

Arising Out of PS.Case No. -369 Year- 2015 Thana -KAJI MUHAMMADPUR District-
MUZAFFARPUR

1. Amit Ayush son of Shri Shiv Nath Prasad, Resident of village- Pakari Dayal, Post & P.S.- Pakari Dayal, District- Motihari (East Champaran), Proprietor of M/S Maa Durga Rice Mill, East Champaran

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shashi Bhushan Kumar

For the Opposite Party/s : Mr. Rana Randhir Singh (App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 02-02-2016 Heard learned counsels for the petitioner and the State.

Petitioner is apprehending his arrest in a case registered for the offences punishable under Sections 409 and 420 of the Indian Penal Code.

The prosecution case is that the petitioner being rice miller was supplied 7000 quintals of paddy by the Muzaffarpur unit of The Bihar State Food & Civil Supplies Corporation Limited under agreement during the agriculture years 2012-13, in lieu thereof the petitioner was supposed to supply 4690 (67% of paddy supplied) quintals of Custom Milled Rice(CMR). The petitioner supplied only 1620 quintals and failed to supply 3070 quintals of Custom Milled Rice worth Rs. 66,48,269.90/-.



It is submitted by learned counsel for the petitioner that custom milled rice could not be supplied due to the latches on the part of the authorities of The Bihar State Food & Civil Supplies Corporation Limited. The agreement stipulates recovery of due amount through initiation of certification proceeding under Bihar & Orissa Public Demands Recovery Act, 1914. The certificate proceeding has already been initiated.

It is submitted by Mr. Awadhesh Kumar, learned counsel for The Bihar State Food & Civil Supplies Corporation Limited that petitioner failed to supply the processed rice within stipulated time i.e. 31.12.2013 and under the terms of the agreement legal action was permissible and consequently the present F.I.R was registered.

However, learned counsel for the petitioner admits that petitioner is ready to deposit 20% of the alleged due amount within a period of four months in four equal monthly installments through bank draft in favour of The Bihar State Food & Civil Supplies Corporation Limited, Patna. Though statement to that effect has not been made in the petition.

Considering the present stand of the petitioner, let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of 12 weeks from today, be released on provisional anticipatory bail

for five months on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Muzaffarpur in connection with Kazimohammadpur P.S. Case No. 369 of 2015, 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 learned Court below on deposit of 20% of the alleged due amount within a period of four months in four equal monthly installments through bank draft in favour of The Bihar State Food & Civil Supplies Corporation Limited, Patna.

The aforesaid deposit will be subject to certificate proceeding but the same will not be treated as an admission of the petitioner against the claim of the informant.

(Dinesh Kumar Singh, J)

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