

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6860 of 2016

Arising Out of PS.Case No. -204 Year- 2015 Thana -NAWANGAR District- BUXAR

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Narendra Singh, Son of Late Tarkeshwar Singh, resident of Village-
Bhatauli, Police Station- Nawanagar, District- Buxar.

.... Petitioner/s

Versus

1. The State of Bihar
2. The District Manager, Bihar State Food and Civil Supplies Corporation,
District- Buxar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vipin Kumar Singh, Adv.
For the BSFC : Mr. Shailendra Kumar Singh, Adv.
For the State : Mr. Rita Verma(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 16-02-2016 The petitioner is apprehending arrest in a case

registered for the offences punishable under Section 406, 409 and

420 of the Indian Penal Code.

The prosecution case is that under an agreement the

during the agriculture year 2012-13, petitioner being the rice

miller was supplied 2000 quintals of paddy by the Buxar unit of

the Bihar State Food and Civil Supplies Corporation Ltd., in lieu

thereof the petitioner was supposed to supply 1340 quintals of

custom milled rice and he supplied only 1078.709 quintals of

custom milled rice but failed to supply 261.291 quintals of

processed rice worth ₹5,65,842/-.

It is submitted that processed rice could not be

supplied due to laches on the part of the authorities of the Bihar State Food Corporation Ltd., and under the agreement there is provision of recovery of alleged amount by initiating certificate proceeding though Certificate Case No. 28 of 2014-15 has already been initiated. The petitioner is still ready to supply the balance processed rice.

It is submitted by Mr. Shailendra Kumar Singh, learned counsel for the Bihar State Food and Civil Supplies Corporation Ltd. that the petitioner failed to supply the processed rice within stipulated period i.e. 17.04.2013 and under the agreement, the Bihar State Food and Civil Supplies Corporation is entitled to initiate legal action for recovery of due amount.

However, learned counsel for the petitioner submits that the petitioner is ready to deposit of 20% of alleged due amount of ₹5,65,842/-within a period of two months in two monthly equal installments through bank draft in favour of the Bihar State Food and Civil Supplies Corporation, Ltd., Patna, though, statement to that effect has not been made in the petition.

Considering the present stand of the petitioner, let the above named petitioner be released on provisional anticipatory bail for three 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 ₹10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned CJM, Buxar in connection with Nawanagar P.S. Case No. 204 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 bank draft of 20% of alleged due amount of ₹5,65,842/- in favour of Bihar State Food and Civil Supplies Corporation Ltd., within a period of two months in two monthly equal installment.

The above deposit will be subject to the 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)

Amrendra/-

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