

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.57907 of 2015

Arising Out of PS.Case No. -1190 Year- 2015 Thana -SASARAM NAGAR District- SASARAM
(ROHTAS)

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1. Rajeshwar Singh, Prop M/s Lakshmi Mini Rice Mill, son of Sri Ramchoba singh @ Ramchawa Singh Resident of Village -Nayay, P.s Agrer(Sasaram),District Rohtas.

.... 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. Durgesh Nandan(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 04-01-2016 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 406, 409, 420 of the Indian Penal Code.

The prosecution case is that under an agreement the petitioners being the rice miller were supplied 6713.60 quintals of paddy by the Sasaram unit of The Bihar State Food and Civil Supplies Corporation Limited during the procurement years 2012-13 when he was supposed to supply 4498.11 quintals of custom milled rice but the petitioner supplied only 3503.45 quintals of custom milled rice and failed to supply 994.66 quintals of processed rice worth Rs. 21,54,400.24/-.



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 being Certificate Case No. 14 of 2014-15. Certificate was quashed on technical ground.

However, it is submitted by learned counsel for the petitioner that the petitioner will deposit 20% of the alleged due amount of Rs. 21,54,000.24/- through bank draft in favour of the Bihar State Food and Civil Supplies Corporation Limited within four months.

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 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 Agrer P.S. Case No. 1190 of 2015, 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 legal 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 six months in favour of the Bihar State Food and Civil Supplies Corporation Limited, Patna.

(Dinesh Kumar Singh, J)

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