

Arising Out of PS.Case No. -273 Year- 2015 Thana -BARBIGHA District- SEKHPURA

.... Petitioner/s

1. The State of Bihar.

.... Opposite Party/s

For the Petitioner/s : Mr. Sanjeev Kumar Singh

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

Heard learned counsels for the petitioner and

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

The prosecution case is that the petitioner being rice miller was supplied 1209 quintals of paddy by the Sheikhpura unit of The Bihar State Food & Civil Supplies Corporation Limited under an agreement during the procurement years 2013-14, in lieu thereof the petitioner was supposed to supply 810.03 (67% of paddy supplied) quintals of Custom Milled Rice(CMR) worth Rs. 20,07634/- but the petitioner failed to supply the same. Though in the First Information Report the due amount has been mentioned as

29,96,579/- but subsequently a correction slip was filed by District Manager, B.S.F.C that due amount was only Rs. 20,07,634/-and out of the above amount the petitioner has already deposited Rs. 5,00,000/-.

It is submitted by learned counsel for the petitioner that Certificate Case No. 68 of 2015-16 has been initiated and petitioner is ready to deposit 20% of the remaining due amount of Rs. 15,07,634/- within a period of four months 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 Chief Judicial Magistrate, Sheikhpura in connection with Barbiga P.S. Case No. 273 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 remaining due amount of Rs. 15,07,634 within a period of four months 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.

Shageer/-

(Dinesh Kumar Singh, J)

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