

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25015 of 2017

Arising Out of PS.Case No. -13 Year- 2017 Thana -SHEKHPURA District- SEKHPURA

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Siya Ram Singh, S/o Saryug Prasad Singh, M/S Jai Shree Krishna Rice Mill, resident of Vill - Hathiyawan, P.S. - Sheikhpura (Hathiyawan), District - Sheikhpura.

.... Petitioner/s

Versus

1. The State of Bihar.
2. District Manager Bihar State Food & Civil Supplies Corporation Limited Sheikhpura.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rakesh Kumar Sinha
For the Opposite Party/s : Mr. Sri Ram Sumiran Roy

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA
ORAL ORDER

7 09-11-2017 Heard learned counsel for the petitioner and the learned A.P.P. for the State.

The petitioner apprehends his arrest in connection with Sheikhkpura (Hathiyawan) P.S. Case No. 13 of 2017, registered under Sections 406, 409 and 420 of the Indian Penal Code.

The accusation is that petitioner being the proprietor of M/S Shree Krishna Rice Mill, received 9672 quintal paddy under the agreement to return 6480.24 quintal rice to the Bihar State Food Corporation, but the petitioner supplied only 4860 quintals rice and remaining 1620.24 quintal rice worth of Rs.35,00,000/- was due against the petitioner. But due to mistake



1080.24 quintals was detailed in place of 1620.24 quintals at the time of filing of the application for initiating the recovery certificate case. As such, 540 quintal rice worth of Rs.1169401.93 is still due against the petitioner.

Learned counsel for the petitioner submits that petitioner being the proprietor of M/S Shree Krishna Rice Mill, received 9672 quintal paddy under the agreement to return 6480.24 quintal rice to the Bihar State Food Corporation, but the petitioner supplied only 4860 quintals rice and for remaining 1080.24 quintal rice, the recovery certificated was initiated against the petitioner and after hearing, petitioner deposited Rs.23,39325/- and in the Request Case No. 7 of 2015, the Bihar State Food Corporation admitted that balance rice is only 1080.20 quintal.

Learned counsel for the Bihar State Food Corporation submits that, in fact, due to mistake 1080.24 quintal rice was typed in place of 1620.24 in Recovery Certificate Proceeding and after payment of 1080.24 quintals of rice, the Bihar State Food Corporation came to know that 540 quintal rice is still not supplied by the petitioner.

Having regard to the facts and circumstances of the case the dispute appears to accounting of supply of rice by the petitioner. Let the above named petitioner be released on bail, in



the event of his arrest or surrender before the learned Court below within a period of six 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 Chief Judicial Magistrate, Sheikhpura, in connection with Sheikhpura (Hathiyawan) P.S. Case No. 13 of 2017, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

Bhardwaj/-

(Rajendra Kumar Mishra, J)

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