

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43118 of 2015

In
CRIMINAL MISCELLANEOUS No.5238 of 2015

Arising Out of PS. Case No.- Year-1111 Thana- District-

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Mahesh Prasad Singh

... .. Petitioner/s

Versus

State Of Bihar and Anr

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Tej Narayan Singh, Adv.

For the BSFC : Mr. Shailendra Kumar Singh, Adv.

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

7 10-07-2019 Heard Mr. Tej Narayan Singh, learned Senior
counsel for the petitioner and Mr. Shailendra Kumar Singh,
learned counsel for the BSFC.

The present application has been filed for
modification of order dated 12.03.2015 passed in Criminal
Miscellaneous No. 5238 of 2015 to the extent of extending the
period of provisional anticipatory bail till disposal of the
representation before the Bihar State Food Corporation.

The factual matrix of the case is that the petitioner
preferred Criminal Miscellaneous No. 5238 of 2015 in
connection with Barh P.S. Case No.336 of 2013 registered for
the offences punishable under Sections 420 and 409 of the
Indian Penal Code, pending in the Court of learned



ACJM, Barh, Patna. The petitioner, being the rice miller, was supplied 2000 quintals of paddy by the Patna unit of the Bihar State Food & Civil Supplies Corporation under agreement for the agriculture year 2011-2012 in lieu thereof the petitioner was supposed to supply 1340 quintals of Custom Milled rice (CMR) but the petitioner only supplied 807.83700 quintals and failed to supply 1903.13 quintals of Custom Milled Rice worth Rs.10,12,776/-.

On the submission of the learned Sr. counsel for the BSFC to the effect that BSFC is ready to settle the account if the petitioner appears along with relevant documents, the petitioner was directed to be released on provisional anticipatory bail for four months. The provisional anticipatory bail of the petitioner was to be confirmed by the learned Court below on appearance of the petitioner before the concerned authority of the State Food Corporation if it is found by the BSFC on accounting that the petitioner had supplied the entire due processed rice, or the petitioner supplies the entire dues quintals of rice otherwise will surrender before the learned Court below and pray for regular bail.

However, Mr. Shailendra Kumar Singh, learned counsel for the BSFC submits that till neither the rice has been



supplied nor alleged due amount has been deposited by the petitioner.

Learned counsel for the petitioner seeks permission to withdrawn the present application with a liberty to prefer application with a prayer for regular bail in terms of order passed in Special Leave to Appeal (Criminal) No. 1779 of 2016 (State of Bihar Vs. Divesh Kumar Chaudhary & Anr.) and other analogous cases as well as Criminal Appeal No. 998 of 2018 (arising out of S.L.P. (Criminal) No. 9196 of 2017 and other analogous S.L.Ps.) (Arvind Tiwary Vs. State of Bihar and others) and other analogous appeals.

In the circumstances, the present application is disposed of as withdrawn with the liberty aforementioned.

(Dinesh Kumar Singh, J)

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