

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51258 of 2023

Arising Out of PS. Case No.-187 Year-2013 Thana- NOKHA District- Rohtas

ARBIND KUMAR SINGH Son of Late Ramji Choudhary M/S Trimurti Mini Rice Mill, Resident of Village - Sheikhpurwa, P.S.- Nokha, District - Rohtas (Bihar)

... .. Petitioner

Versus

1. The State of Bihar
2. The District Manager, Bihar State Food and Civil Supplies Corporation Limited, Rohtas. Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jai Prakash Singh, Advocate

For the Opposite Party/s : Mr.Parmeshwar Mehta, Addl Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

- 12 01-05-2024 Heard learned counsel for the petitioner and the State.
2. The petitioner apprehends arrest in a case registered for the offence punishable under sections 406, 420/120B of the IPC.
3. Prosecution story is based upon the written statement of the then District Manager, Bihar State Food Corporation, Rohtas, Sasaram to the effect that as per the Agreement for the purpose of Milling for Procurement Year 2011-12, the Petitioner's Mill was supplied 8180.00 Quintals of Paddy in lieu thereof @ 67% Customed Milled Rice (CMR) 5480.00 was to be supplied to the corporation. The Petitioner supplied only 1350.90 Quintals of processed rice and failed to 4130.00 Quintals supply of processed rice worth Rs.78,61,094.08 at the rate of 1909.13 per quintal and Rs. 656750/ of Jute bags total Re 8517799/-.
4. Learned counsel appearing for the petitioner



submits that the rice could not be supplied due to apathetic attitude of the officials of Corporation 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 and the certificate proceeding being Certificate Case No. 3/2013-14 has already been initiated. It is also submitted that when the petitioner failed to make supply within time frame, the BSFC has already initiated legal proceeding for recovery of the alleged due amount.

5. However, it is submitted by learned counsel for the petitioner that the petitioner will deposit 20% of the alleged due amount through bank draft in favour of The State Food and Civil Supplies Corporation within one year equal monthly installments, though statement to that effect has not been made in the petition.

6. Considering the present stand of the petitioner, in the event of arrest/surrender within six weeks from today, let the petitioner, mentioned above, be enlarged on provisional bail for one year on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Special Rice Millers Court, Gaya in Nokha Police Station Case No. 187 of 2013, subject to the conditions laid down under section 438(2) of the Code of Criminal Procedure on the following conditions:-

(1) 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.

(2) The provisional bail of the petitioner will be



confirmed by the learned court below on submission of 20% of the due amount through bank draft within one year in 12 monthly equal installments in favour of The Bihar State Food and Civil Supplies Corporation, Patna.

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(Prabhat Kumar Singh, J)

