

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.40286 of 2015**

Arising Out of PS.Case No. -55 Year- 2015 Thana -DAWATH District- SASARAM (ROHTAS)

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Ajay Kumar Singh, Son of Late Bihari Singh R/o village - Awarhi, P.S.  
Dawath, Distt. - Rohtas

.... .... Petitioner/s

Versus

The State of Bihar

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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**CORAM: HONOURABLE MR. JUSTICE V.N. SINHA**  
**ORAL ORDER**

2      07-10-2015

Heard learned counsel for the petitioner and the  
  
State.

2. Petitioner is the Chairman of Jamsona PACS  
(hereinafter referred to as the PACS) in the district of Rohtas. He  
is apprehending his arrest in connection with Dawath P.S. Case  
No. 55/15 registered for the offences under Sections 406, 420, 409  
of the Penal Code filed by Shiv Kumar Rai Cooperative Extension  
Officer, Bikramganj alleging irregularity in purchase of paddy and  
release of payment to those not authorised to receive by the PACS  
of which petitioner is the Chairman and thereby the members have  
been deprived of their rightful dues. In this connection, learned  
counsel for the petitioner invited my attention to the complaint  
made by Upendra Singh dated 18.05.2015, the erstwhile Chairman  
of the PACS addressed to Hon'ble the Chief Minister, Bihar

(Annexure-3) whereunder allegation has been made that there has been irregularity and misappropriation of fund in connection with purchase of paddy for the year 2014-15 on the basis of which the present case has been registered by Cooperative Extension Officer, Bikramganj.

3. It is submitted on behalf of the petitioner that earlier Dawath P.S. Case No. 02/15 dated 11.01.2015 for the offences under Sections 409, 420 was registered at the instance of Nikesh Kumar, District Cooperative Officer, Rohtas against said Upendra Singh alleging irregularity in purchase of paddy for the year 2013-14 and it is submitted that by way of retaliation to the said case, for which petitioner herein was not instrumental, the present case was registered against him at the instance of said Upendra Singh, though according to learned counsel for the petitioner, petitioner has not made any irregularity in purchase of paddy by the PACS for the year 2014-15, as purchase has been made only from the members of the PACS and others who are authorised to sell their paddy to the PACS. Payment has also been made only to those who are authorised and not to anyone else that too by either account payee cheque or through RTGS and there is absolutely no irregularity in purchase or disbursement of the purchase price including the amount of subsidy which may be

verified from the records of the PACS as also the Bank account of both PACS and those who have sold their paddy and received payment. In this connection counsel for the petitioner has also submitted that petitioner is even ready to appear before the Investigating Officer of the case and to explain to him necessary records.

4. Let petitioner surrender in the court below within a period of four weeks from the date of receipt/ production of a copy of this order in the Court below and the court below shall not only call the informant of the present case i.e. Shiv Kumar Rai but also the Investigating Officer of the case and ensure that necessary verification of records is made before it so as to satisfy the court below that absolutely no irregularity has been committed either in purchase of paddy by the PACS for the year 2014-15 as also in disbursement of the sale proceeds to those who sold their paddy to the PACS. Necessary verification be completed within a period of two weeks from the date of receipt/ production of a copy of this order and the court below shall pass appropriate order taking into account the allegation and the explanation submitted by the petitioner as also the submission of the informant and the Investigating Officer. In case, court below is satisfied that no irregularity at all has been committed by the PACS in purchase of paddy for the year 2014-15, he be admitted to the privilege of

bail on furnishing bail bond, amount of sureties whereof shall be fixed by the court below itself, otherwise court below shall pass appropriate order in accordance with law. During the period necessary verification is made, no coercive steps be taken against the petitioner in connection with Dawath P.S. Case No. 55/15.

This petition is, accordingly, disposed of.

**(V.N. Sinha, J)**

Rajesh/-

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