

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.45902 of 2023**

Arising Out of PS. Case No.-43 Year-2023 Thanh- BUXAR District- Buxar

Jagdish Prasad Singh @ Jagdish Prasad, aged about 68 years, Male, son of Jagarnath Singh, resident of Village-Chanakyapur, Ward No.1, Gali No.2, Bairiya Police Station-Ahiyapur, District-Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Shankar Kumar, Advocate

For the Opposite Party/s : Mr. Parmeshwar Mehta. APP

**CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA**  
**ORAL ORDER**

2      04-08-2023                      Heard learned counsel for the petitioner and learned A.P.P. for the State.

02. In the present case, the petitioner is apprehending his arrest in connection with Buxar (Town) P.S. Case No. 43 of 2023, registered on 26.01.2023, for the alleged offence under Sections 420, 406, 120B and 34 of the Indian Penal Code.

03. As per prosecution case, at the instance of the co-accused Ajit Kumar, who was In-charge of Bihar State Seed Corporation, Buxar, the informant and some other persons handed over 1291 quintals of wheat (valued at Rs. 26,01,315/-) to the co-accused Ajit Kumar. Towards payment of the wheat so received, co-accused Ajit Kumar issued a cheque of Rs. 25,00,000/- from his personal account in favour of the informant. For the balance amount of Rs. 1,01,315/-, the



petitioner, who is father-in-law of the co-accused Ajit Kumar, issued a cheque for an amount of Rs. 1,00,000/-, which was encashed by the informant. Thereafter, when the informant tried to encash the cheque issued by co-accused Ajit Kumar, it was returned due to difference in signature of the drawer. Later on, when the informant tried to contact with the co-accused Ajit Kumar, his house was found locked and mobiles were found switched off. The informant further alleged that the co-accused with the help of the petitioner duped the farmers of their wheat and cheated them.

04. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. True fact of the case is that co-accused Ajit Kumar was a Lower Division Clerk-cum-In-charge of purchase centre of Bihar State Seed Corporation, Buxar and previously excess payment was made to some farmers due to mistake and for the same, recovery process was initiated against those farmers and for this reason they have lodged this false and fabricated case against the co-accused and the petitioner. Learned counsel further submits that petitioner is 68 years old person and he has nothing to do with the alleged offence, since he is neither an employee of the Bihar State Seed Corporation, Buxar nor he has



any concern either with the informant or the Corporation. Unfortunately, the petitioner happens to be the father-in-law of the co-accused Ajit Kumar and for this reason he has been implicated in this case by the informant. Moreover, the cheque issued by the petitioner was got encashed. There is no allegation that the petitioner is involved in any manner in the alleged occurrence or any case is made out against him. For the same occurrence, another case for payment of excess amount to farmers was instituted against co-accused Ajit Kumar by Regional Manager of Bihar State Seed Corporation, Kudra, Kaimur being Buxar (Town) P.S. Case No. 33 of 2023.

05. Learned A.P.P. for the State opposes the prayer for anticipatory bail. Learned APP submits that petitioner was involved and he issued a cheque towards discharging the liability of the co-accused Ajit Kumar.

06. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the vague nature of allegation against the petitioner and distinct lack of material on record against the petitioner, let the petitioner, above named, in the event of his arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bond of Rs. 20,000/-



(Rupees Twenty Thousand Only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Buxar/concerned court in connection with Buxar (Town) P.S. Case No. 43 of 2023 subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial court.

**(Arun Kumar Jha, J)**

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