

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26774 of 2024

Arising Out of PS. Case No.-38 Year-2023 Thana- BUXAR District- Buxar

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Ajeet Kumar @ Ajit Kumar Son Of Late Ashok Kumar Incharge Of Bihar
State Seeds Corporation, Buxar And Resident Of Village - Road No.4, Rewa
Road, Sir Ganesh Datt Nagar, Bhagwanpur, P.S. - Bhagwanpur (SADAR),
District - Muzaffarpur

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Yugal Kishore, Adv.

For the Opposite Party/s : Mr. Dr.Mrityunjaya Kr.Gautam, APP

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**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA**

ORAL ORDER

2 18-04-2024 Heard learned counsel for the petitioner and

learned APP for the State.

2. The petitioner seeks regular bail in
connection with Buxar (Town) P.S. Case No. 38 of 2023,
from the court of learned CJM, Buxar registered for the
offences punishable under Sections 420, 406, 120B/ 34 of
the Indian Penal Code.

3. As per prosecution case, the informant
alleged that in year 2017 three person namely Ajeet Kumar,
Kamini Kumari and Jagdish Prasad Singh with fraud
intention came and meet the informant and told to sell his
paddy crop (dhan) to State seeds corporation through them



and also told that they will provide better price of dhan (paddy crops) to him and upon that the informant got ready to sell his paddy crops to Ajeet Kumar. It is further alleged that in year 2020-21, 2021- 22 the informant sold his paddy to seeds corporation through the petitioner and accordingly got payment of the same and as such the informant got trust upon accused persons. It is further alleged that in year 2022-23 to the informant sold total 16037.90 quintal of paddy crop (dhan) to Bihar state seeds corporation on loan (udhar) and all the accused told him for full payment at the rate of Rs. 1900/ per quintal. It is further alleged that all paddy crops were transported through the truck of new dubey road lines and the same has provided by the petitioner. It is further alleged that total amount of paddy crops came to Rs. 3,04,72,000/ and from different account total 46,19,885/ amount has paid in the account of the informant and rest amount i.e. Rs. 2,58,52,125/ has not been paid by the petitioner and the same has usurp by the petitioner. It is further alleged that on 27/12/22 the informant went to office f the petitioner to meet him, but the informant could not meet the petitioner as he was not there



and his mobile was also switch off. It is further alleged that all earlier the accused told that his payment will be clear in month of January. It is further alleged that on 17/01/23 the informant went to home of the petitioner but the same was locked and thereafter the informant went to in-laws house of the petitioner, where the informant met the wife and father in-law of the petitioner, but they abused him and told to return back otherwise face dire consequences.

4. Learned counsel for the petitioner has submitted that petitioner has got 7 antecedents of cases vide Buxar Town P.S. Case nos. 33 of 2023, 43 of 2023, 541 of 2023, 544 of 2023 and Murar P.S. Case nos. 41 of 2023 and 46 of 2023 as per para 3 of his petition and also submits that the petitioner is quite innocent and has committed no offence and all the allegation levelled against the petitioner is wrong, false and fabricated.

5. Learned APP vehemently opposed the instant bail petition. He further submits that, there is serious allegation of embezzlement of Rs. 2,58,52,125/- (Rupees Two crore fifty-eight lakhs fifty-two thousand one hundred twenty-five) against the petitioner who is a public servant



being then Officer Assistant of Bihar Seed Corporation, Buxar for the year 2022-23 and he has got seven criminal antecedents of similar nature and prayer to reject the bail of the petitioner.

6. On perusal of FIR, case diary and impugned order dated 01.03.2024, it appears that there is specific allegation of committing cheating, criminal breach of trust and criminal conspiracy with farmers including the informant against the petitioner, who was then Office Assistant of Bihar Seed Corporation, Buxar in 2022-23 under pretext of giving them more price of their paddy than market and other institutions allegedly embezzled Rs. 2,58,52,125/- from the innocent farmers. The petitioner allegedly procured total 16037.90 quintals of paddy from farmers at the rate of Rs.1900/- per quintal i.e. total amount of Rs.3,04,72,010/- (Rupees three crore four lakh seventy-two thousand and ten only) out which he had paid Rs. 46,19,885(Rupees forty six lakh nineteen thousand eight hundred and eighty-five only) to the farmers and has allegedly embezzled Rs. 2,58,52,125/- (Rupees two crore fifty-eight lakh fifty-two thousand one hundred and twenty-



five only) which is a very huge amount. So, considering aforesaid facts and circumstances, nature of offence as well as considering petitioner's seven criminal antecedent of similar nature, I am not inclined to enlarge him on bail.

7. Accordingly, the prayer for regular bail of the above named petitioner is hereby rejected. However, the trial court is directed to conclude trial within a period of one year from the copy of the receipt of this order, if the trial is not concluded within the stipulated period then the petitioner would be at liberty to renew his prayer of bail before the trial court.

(Ramesh Chand Malviya, J)

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