

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24275 of 2024

Arising Out of PS. Case No.-541 Year-2023 Thana- BUXAR District- Buxar

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AJEET KUMAR @ AJIT KUMAR S/O LATE ASHOK KUMAR R/O
VILLAGE- ROAD NO.-4, REWA ROAD, SIR GANESH DATT NAGAR,
P.S- BHAGWANPUR(SADAR), DISTT.- MUZAFFARPUR.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR BIHAR
2. THE BIHAR STATE SEEDS CORPORATION LTD. BIHAR
3. Kameshwar singh, s/o late shaligram singh R/O village- orap, p.s.- itadi,
distt- buxar-802123

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Yogesh Chandra Verma, Sr. Adv. Mr. Shankar Dayal Singh, Adv. Mr. Uday Prasad Singh, Adv. Mr. Yugal Kishore, Adv.
For the State	:	Mr. Anil Kumar Singh No. 1, APP
For Bihar Rajya Bij Nigam	:	Mr. Nalin Vilochan Tiwary, Adv.

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CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

17 12-09-2025 Heard learned counsel for the petitioner, learned

counsel for Bihar State Seeds Corporation and learned A.P.P for

the State.

2. The petitioner has preferred this application for

grant of regular bail in connection with Buxar Town P.S. Case

No. 541 of 2023 dated 04.10.2023 registered for the offences

punishable u/ss 406 and 420 of the Indian Penal Code.

3. As per the prosecution case, the informant alleged

that the petitioner is in-charge of Bihar State Seeds Corporation,



Buxar Branch. On assurance of purchasing the wheat by seed corporation at a better price i.e. Rs. 2800/- per quintal, the informant and the other co-villagers sold their wheat measuring 2135 quintal and 20 Kg. for a consideration of Rs. 59,78,560/-. On repeated demands, nothing has been paid by the petitioner. The petitioner along with the informant has also purchased wheat from other farmers and has defrauded them. On inquiry from the office of Bihar State Seeds Corporation, Buxar, Branch, it came to know that regarding the same issue a departmental proceeding was initiated against the petitioner, the matter was also reported to DSP, Buxar but no action was taken hence, the present case was lodged.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. It is further submitted that the petitioner is a lower division clerk-cum-incharge of purchase centre of Bihar State Seeds Corporation, Buxar. It is further submitted that it is relevant to state that Rs. 1,08,08,196.80/- as surplus has been taken by the beneficiaries and when such matter came into the knowledge of the petitioner then the petitioner started recovery process from such beneficiaries and in this way the petitioner has recovered Rs. 35,82,000/- and the same has been deposited



in corporation account but the recovery process of rest amount was going on then in between the Bihar State Seeds Corporation has lodged a case vide Buxar P.S. Case No. 33/2023 against the petitioner for embezzlement of Rs. 72,26,196.80/- and as such later on, the petitioner has been suspended from his post and due to such departmental action, recovery process started by the petitioner has stopped and when the beneficiary came to know about the recovery process started in November-December, 2022 itself then thereafter, they were lodging case one by one, so that they may usurp the excess payment made by the corporation. Learned counsel has further submitted that no any receipt has been given by the petitioner to the informant and there is no any single piece of paper to show that the petitioner has purchased wheat from the informant. Learned counsel has further submitted that the petitioner has not embezzled any money. The charge-sheet has been submitted against the petitioner. The petitioner has no concern with the alleged offence. The petitioner has seven criminal antecedents as stated in para 3 of the bail petition. The petitioner is in custody since 02.01.2024.

5. Learned A.P.P. for the State and learned counsel for Bihar State Seeds Corporation Ltd. have vehemently opposed



the bail petition of the petitioner. Learned counsel for the O.P. No. 2 (Bihar State Seeds Corporation Limited) has filed counter affidavit in which he has submitted that the petitioner was the Center in-charge of Buxar as well as Ara Collection centres and he had misappropriated the amount of Rs. 1,08,08,196.80/-. The Regional Manager, Kudra had directed to the petitioner to deposit the entire amount in the account of the Corporation then the petitioner had only deposited Rs. 35,82,000/-. Learned counsel has further submitted that the Managing Director of the Corporation has constituted a committee against the petitioner who submitted a report (a copy of the enquiry report dated 02.01.2023 is annexed as Annexure-A to the counter affidavit) and in pursuance to such enquiry report, the corporation vide letter no. 41 dated 09.01.2023 (Annexure-B to the counter affidavit) wrote to the petitioner to deposit the rest of the amount i.e. Rs. 72,26,196.80 in the account of the Corporation or else FIR shall be lodged and departmental enquiry shall be initiated. Thereafter, the Corporation through its official also lodged an FIR against the petitioner on 21.02.2023 being Buxar Town P.S. Case No. 33/2023 for misappropriation of the amount and police have submitted the charge-sheet in the said case in November, 2023.



6. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner above-named, is directed to be enlarged on bail on furnishing bail-bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court concerned, Buxar in connection with Buxar Town P.S. Case No. 541 of 2023 with the condition :-

(i) The petitioner is directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bond of the petitioner is liable to be cancelled.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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