

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33864 of 2025

Arising Out of PS. Case No.-570 Year-2024 Thana- BYPASS District- Patna

Ajit Kumar Roy @ Ajit Roy @ Ajit Kumar Rai @Ajit Rai Son of Late Ram Chandra Roy Resident of House No. 10, R.L. Highway Enclave, Duplex Colony, East Anisabad, P.S.- Gardanibagh, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pratik Mishra, Advocate
For the Opposite Party/s : Mr. Murli Dhar, APP

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

5 16-12-2025 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. Petitioner apprehends his arrest in connection with Bypass P.S. Case No. 570 of 2024 registered for the offences under Section 316(5) of the B.N.S., 2023.

3. As per the F.I.R, the informant has alleged that one company, namely, Devi Crop Science Private Limited was physically inspected and it was found that it was violating the Fertilizer Control Orders and G.S.T. Rules. It has been alleged in the F.I.R that the proprietor representative of the company, namely, Sri Ajit Rai (petitioner), is involved in theft of government property.

4. The learned counsel for the petitioner submits

that the present F.I.R is based on a report submitted by the Assistant Agriculture Director cum Deputy Director, Plant protection, Patna and the Assistant Director, Plant Protection, Patna wherein it has been submitted that the named specialist persons being Chemist Quality Control, G.S.T. holder and the Managing Director of the aforesaid company were said to be involved in violation of Fertilizer Control Orders and G.S.T thereby causing loss to the government. It has been argued that from the said report it would be evident that the name of the petitioner was nowhere mentioned, however, after almost 8 months of such enquiry report the present F.I.R was lodged wherein none of the representatives of the Company were made an accused rather the petitioner, who was the Deputy General Manager (Technical) and posted at Patna at the relevant time was made an accused. It has also been pointed out that the report of so called physical verification made by the informant is not part of the F.I.R rather from perusal of the written report it would be evident that the informant has not even mentioned the date when such inspection was done. It has been submitted that neither the company has been made a party nor the senior officers as mentioned in the enquiry report were made a party.

5. It has been submitted that the petitioner was admittedly holding the post of Deputy General Manager (Technical) and he was not among the Board of the Company or was a Specialist Officer. It has lastly been submitted that the petitioner has been made a scape goat and the real culprits (if any) have been let off. It has been submitted that no case is being made out in view of the allegations levelled in the F.I.R, and if any violations are alleged, the same can be alleged only against the Directors of the Devi Crop Science Private Limited and not the petitioner, who was merely an employee.

6. Learned APP for the State has vehemently opposed the prayer for bail and has submitted that the petitioner has usurped the government property and therefore he should not be granted liberty of anticipatory bail.

7. Considering the aforesaid submissions and taking into account the fact that the petitioner has been named in the F.I.R without any specific allegations even *prima-facie* being attributed against him, let the petitioner above named be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bonds of Rs.10,000/-(ten thousand) with two sureties of the like

amount each to the satisfaction of the learned Court below where the case is pending/successor court in connection with Bypass P.S. Case No. 570 of 2024 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure read with corresponding Section 482(2) of B.N.S.S. as well as subject to the following conditions:-

- (i) One of the bailors of the petitioner shall be his close relative.
- (ii) The petitioner shall remain physically present in Court on each date of the trial.
- (iii) In case of absence on two consecutive dates, or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the Court concerned.
- (iv) If the petitioner is found involved in similar nature of offence in future, the prosecution shall be at liberty to move for cancellation of his bail bond.
- (v) The learned Court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court

below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

8. Accordingly, the prayer for anticipatory bail is allowed.

9. It is made clear that the observations, if any, made in this order, shall be of no bearing during the trial.

(Sourendra Pandey, J)

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