

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80328 of 2025

Arising Out of PS. Case No.-33 Year-2023 Thana- BUXAR District- Buxar

Ajeet Kumar @ Ajit Kumar Son of Lt. Ashok Kumar Incharge of Bihar State Seeds Corporation Buxar (At present as Judicial custody), Resident Of Mohalla, Road No. 4, Rewa Road, Sir Ganash Dutt Nagar, Bhagwanpur, P.S. - Bhagwanpur (Sadar), Dist. - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Krishna Prasad Singh, Sr. Advocate

Mr. Shankar Dayal Singh, Advocate

For the Opposite Party/s : Mr. Nityanand Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

4 13-03-2026 Heard Mr. Krishna Prasad Singh, learned senior counsel for the petitioner, Mr. Nityanand Tiwary, learned APP for the State and perused the case diary.

2. The petitioner seeks bail in connection with Buxar (Town) P.S. Case No. 33 of 2023, instituted for the offences punishable under Sections 420, 409 of the Indian Penal Code.

3. Earlier, anticipatory bail of the petitioner was dismissed as withdrawn by a co-ordinate Bench of this Court vide order dated 26.06.2024 passed in Cr. Misc. No. 48683 of 2023.

4. The prosecution case, in short, is that the petitioner while posted as Lower Division Clerk-cum-I/c at the Collection



Centre of Buxar and Ara, Bihar State Seed Corporation, made payment for 21,314.51 quintals of raw seeds, whereas only 15,950 quintals were sent to the Processing Centre, resulting in a shortage of 5,363.95 quintals and also made excess payment of Rs. 1,08,08,196.80/- out of which Rs. 35,82,000/- has been recovered till 21.12.2022, while Rs. 72,26,196.80/- has not been recovered.

5. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. Charge-sheet has been submitted in this case and cognizance has also been taken by the learned Court below. Learned counsel for the petitioner also submits that the petitioner is Lower Divisional Clerk-cum-I/c of Seed Corporation and due to mistake or mechanical fault, extra quantity of seed grains were entered into the App Data by the petitioner which resulted in excess payment to the farmers. It is next submitted that some extra payment was done to the farmers regarding which he has informed his superior officials and started recovery process during which Rs. 32,82,000/- has been recovered and the same has been credited in the bank account of corporation but in the meantime, the petitioner was suspended by the corporation which resulted in complete stoppage of the



recovery process. It is further submitted that there was not malafide intention of the petitioner rather due to human error, mechanical fault or incorrect cross-checking by the higher officials, the alleged incident has occurred. The petitioner is in custody since 23.07.2024 and has got eight criminal antecedents.

6. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioner.

7. Considering the aforesaid facts and circumstances of the case and taking into account the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

8. Let the petitioner be released on bail ***after framing of charge, if not already framed***, on furnishing bail bonds of Rs. 15,000/- (Rupees Fifteen Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Buxar (Town) P.S. Case No. 33 of 2023, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial and shall not remain absent on two consecutive



dates without sufficient cause.

(III) The petitioner will not tamper with the evidence or the witnesses during the trial.

(IV) Petitioner shall not commit offence of similar nature in future.

(V) The petitioner shall not leave the territorial jurisdiction of the learned Court below without taking prior permission of the Court concerned.

If any of the above conditions are violated, the Trial Court shall be at liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

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