

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.10454 of 2014

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Arbind Kumar Singh son of Bachchu Singh resident of village Mallikpur P.S.
Rajgir District Nalanda.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Director General of Police (D.G.P.) cum I.G. Bihar, Patna.
3. The Deputy Inspector General of Police cum Deputy Superintendent (Administration) police Eastern Range Bhagalpur Range, Bhagalpur.
4. The Senior Superintendent of Police, Bhagalpur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Pankaj Kumar, Advocate
For the State : Mr. Madhu Prasad Yadav, GP 23
Mr. Rajesh Kumar Sinha, AC to GP 23

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date: 28-11-2017

Heard counsels for the petitioner and the State.

The petitioner was posted as constable in the office of Circle Officer, Nath Nagar Circle, Bhagalpur as guard. The allegation against him is that he has indulged in indiscriminate firing of 10 rounds from his service rifle in intoxicated condition in the premises crowded by the people. The Circle Officer reported that despite of all efforts the petitioner could not be controlled and only after taking help of the local police some how the petitioner was controlled. Considering the grievous conduct of the petitioner the impugned order of termination dated 24.12.2010 has been issued by the Senior



Superintendent of Police, Bhagalpur invoking the provisions contained in Article 311(2)(B) of the Constitution as the Superintendent of Police was entrusted the task of conducting the enquiry. The Senior Superintendent of Police has recorded that it was not possible to hold the departmental enquiry against the petitioner as none from amongst the crowd would come to depose against such person as the local people were terrified by the act of the said police constable.

The reasons cited by the Senior Superintendent of Police appear to be very justified. The petitioner has conducted himself in a manner unbecoming of a member of the police service from whom a high level discipline is expected, rather than looking after the public safety, the petitioner has indulged in indiscriminate firing at a crowded place, compromising the safety of the public at large.

For the reasons aforesaid, this Court finds no infirmity in the order passed by the Senior Superintendent of Police, Bhagalpur.

The petition is accordingly dismissed.

(Madhuresh Prasad, J)

Prakash/-

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