

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.11122 of 2014

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Dhirendra Prasad Gupta, S/o Late Chamru Sah, R/o village Kumarganj, P.O.-
Jehengira, P.S.- Sultanganj, District- Bhagalpur

.... Petitioner/s

Versus

1. The State of Bihar through Director General of Police, Government of Bihar,
Patna
2. The Director General of Police, Government of Bihar, Patna
3. The Dy. Inspector General of Police, Tirhut Range, Muzaffarpur, District
Muzaffarpur
4. The Superintendent of Police, Sitamarhi, District Sitamarhi

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sharda Nand Mishra, Advocate
Mr. Dhananjay Kumar Gupta, Advocate
Mr. Deepak Kumar, Advocate
For the Respondent/s : Mr. Md Anisul Haque, AC to AAG 5

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date: 05-12-2017

Heard learned counsel for the petitioner and the State.

Vide memo dated 30.05.2013, the petitioner was
communicated charges in relation to a case lodged under Section 377
of the Indian Penal Code against the petitioner while he was posted as
Assistant Sub-Inspector, Bathnaha.

The allegation was of having committed unnatural sexual
offence against a boy.

Due opportunity appears to have been granted to the
petitioner inasmuch, after the charge memo the petitioner was heard



and enquiry report was submitted by the Deputy Superintendent of Police, Headquarter, Sitamarhi. The enquiry report was submitted pursuant thereto, the Deputy Inspector General of Police (hereinafter referred to as 'the DIG), Tirhut Range, Muzaffarpur being the disciplinary authority forwarded a copy of the enquiry report and all other material to the petitioner so as to enable him to submit his second show cause which was submitted by the petitioner on 07.09.2013 which is Annexure 9 to the writ petition. After considering the case of the petitioner in accordance with procedure prescribed, the services of the petitioner have been terminated by Annexure 10 i.e., the order dated 19.09.2013 passed by the DIG, Tirhut Division.

The petitioner is unable to highlight any procedural lapse in conducting of the proceedings. He says that during pendency of the writ petition the criminal case pending for the same allegation, has culminated in his acquittal vide order dated 16.05.2016 passed by the Additional Sessions Judge-cum-Special Judge, Sitamarhi.

Counsel for the State has rightly pointed that the said order has been passed giving benefit of doubt to the petitioner. The departmental proceedings on the other hand, have been conducted after affording due opportunity to the petitioner and the findings have been arrived there on the basis of preponderance of probabilities. Further it must be noticed hear that order of acquittal on the basis



benefit of doubt, is not an honourable acquittal.

In view of the aforesaid, no case is made out for interference by this Court exercising jurisdiction under Article 226 of the Constitution.

The writ petition is accordingly, dismissed.

(Madhuresh Prasad, J)

Prakash/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

