

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.45055 of 2014**

Arising Out of PS. Case No.-1 Year-2007 Thana- C.B.I CASE District- Muzaffarpur

Dr. Ram Yash Ram Son of Kapil Deo Ram Resident of Villae - Mangraon,  
P.S. - Rajpur, District - Buxar at Present residing at Mangalam Vihar Colony,  
House No. 10, Arrah Garden Road, Bailey Road - 14, P.S. -Danapur, District-  
Patna.

... .. Petitioner/s

Versus

The State of Bihar Through The Vigilance Investigation Bureau, Cabinet  
Vigilance, 6 Circular Road, Patna.

... .. Opposite Party/s

**Appearance :**

For the Petitioner : Mr. Sunil Kumar Verma, Advocate.  
Mr. Suman Kumar Verma, Advocate.  
Mr. Anish Kumar, Advocate.  
Mr. Amresh Kumar Mishra, Advocate.  
For the Opposite Party : Mr. Ramakant Sharma (LAW OFF. VIG)  
Mr. Rabindra Kumar, Advocate.

**CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR**  
**ORAL ORDER**

3      06-03-2018              The petitioner has challenged the order dated 12.09.2014  
passed by the learned Special Judge, Vigilance, North Bihar  
Muzaffarpur in Special Case No. 1/07 arising out of Vigilance  
Case No. 1/07 whereby his application for discharge from the  
case has been rejected.

A complaint initially was lodged against the petitioner for  
having demanded Rs. 10,000/- from the complainant for  
regularization of his service. This complaint sparked a  
preliminary enquiry into the affairs of the dealth department. On  
enquiry, it was found that many officials of the Health  
Department, including the petitioner, were involved in such



conspiracy of regularization of fake appointments. On the basis of the report of the preliminary enquiry, the subject FIR was registered against the petitioner and others.

Mr. Sunil Kumar Verma, learned counsel for the petitioner has submitted that the main foundation of the case against him is the complaint by one Prem Chand Ojha, who was ultimately terminated from the service at the instance of petitioner. He has further submitted that all such employees of the health department, whose appointments were found to be fake, were directed to be removed from the service. But unfortunately he was made the scapegoat in the entire proceedings. He has also submitted that there is no evidence which could be collected during the preliminary enquiry as well as the investigation of the case that any attempt was made by the petitioner for misusing his official position as the Civil Surgeon.

However, considering the fact that seven witnesses have upto now been examined at the trial, this Court does not intend to get into the merits of the case at this stage.

Seeing the view of this Court, learned counsel for the petitioner seeks permission to withdraw the present petition in order to agitate all such points taken in the present petition at the trial.



Dismissed as withdrawn.

However the present dismissal shall not be read to the  
prejudice of the petitioner at the trial.

**(Ashutosh Kumar, J)**

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