

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14908 of 2014

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Shailendra Kumar @ Shailendra Kumar Singh Son of Tarkeshwar Singh
Resident of Village - Maharaja, P.S. Sahpur, District - Bhojpur

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The Director General of Police, Bihar, Patna
3. Inspector General of Police, Bihar, Patna
4. Commandant, Bihar Military Police - 4, Dumrawn, District - Buxar
5. Superintendent of Police, Rail, Muzaffarpur
6. Deputy Superintendent of Police, Rail, Muzaffarpur
7. Inspector of Police Cum Conducting Officer, Dumraon, District - Buxar

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Nakul Kumar Jamuar
		Mr.Suraj Kumar
For the Respondent/s	:	Mr.Pramod Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 24-09-2019 Heard counsel for the petitioner and counsel for the respondents-State.

Petitioner who was posted as Havaladar in the Rail police was proceeded against upon an allegation arising out of complaint that the petitioner along with one constable had entered into lady compartment of the train in which they had deputed as escort party and were taking bribe from passengers and had, in fact, also assaulted some of the passengers. Charge memo in this respect was issued on 20.10.2011. The Commandant BMP 4, Dumraon, Buxar had found charges to be



proved and had dismissed him from service in the proceedings arising out of Departmental Proceedings no. 50/2011.

It is the case of petitioner that Muzaffarpur Rail P.S. case no. 45/2011 had been registered against two unknown police personnels as a result of which petitioner was suspended and dismissed in the proceedings.

Since charges in the proceedings and in the criminal trial arising out of the said criminal case were one and the same, the acquittal in criminal trial by judgment dated 17.01.2014 would be a relevant consideration for the authorities as criminal trial as well as departmental proceeding was based on the same charges and same set of evidence.

Placing reliance on the judgments of the Apex Court in the case of Capt. M.Paul Anthony vs. Bharat Gold Mines Ltd & ors reported in (1999) 3 SCC 679 and G. M.Tank vs. State of Gujrat & ors reported in (2006) 5 SCC 446, he submits that he would be approaching the appellate authority by a fresh application, for reconsidering the punishment, in view of his acquittal.

In case, petitioner approaches the appellate authority by an application afresh, this court would only observe that claim of the petitioner should be considered having regard to his



acquittal in a criminal case and dispose it of by reasoned and speaking order in accordance with law.

Writ petition is disposed of.

(Madhuresh Prasad, J)

s.hassan/-

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