

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.2046 of 2016

In

Civil Writ Jurisdiction Case No.15011 of 2008

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Bishwamitra Singh @ Vishwamitra Singh Son of Sri Lallan Singh, resident of
Simri Bhan Bharauli Patti, P.S.- Simri, District- Buxar, Bihar.

... .. Appellant/s

Versus

1. The State Of Bihar
2. The Director General of Police, Government of Bihar, Patna.
3. The Deputy Inspector General of Police Rail, Government of Bihar, Patna.
4. The Superintendent of Police Rail, Katihar.
5. The Inspector Rail, Barauni Railway Police Station, Barauni, District-
Begusarai.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Amit
For the Respondent/s : Mr.Prabhat Kumar Verma-Aag3

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
and
HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE SHIVAJI PANDEY)

10 17-09-2019 No one appears for the appellant as well as
respondents.

The matter relates to dismissal of appellant who was
G.R.P. Personnel. He was found taking money from the
passenger and on that account acrimonious situation had
developed. Public in general also joined the protest, on that
account the railway traffic was stopped in order to highlight
attitude of the G.R.P. Personnel. He was departmentally
proceeded and a parallel criminal case was also instituted, in



which he has been acquitted on account of the fact that witnesses, who were the passengers, did not turn up to give evidence in the criminal case. The charges have been proved in the joint departmental proceedings. In criminal case, charges are proved beyond reasonable doubt, whereas, in the departmental proceeding, the principle of preponderance of probability applies, not beyond reasonable doubt.

In such view of the matter, we do not find any merit in the present case. Accordingly, this appeal is dismissed and order dated 02.07.2013 passed by a learned single Judge in CWJC No. 14583 of 2008 is affirmed.

(Shivaji Pandey, J)

(Partha Sarthy, J)

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