

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.409 of 2019

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Suraj Prasad Son of Late Ram Prasad Resident of Village- Musafir Ganj,P.O.
Gazadhar Ganj,P.S. Buxar, Buxar, Distt.Buxar Bihar-802103

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. Joint Secretary,Prosecution,Home Department,Govt. of Bihar
3. Director,Prosecution,Home Department,Govt. of Bihar
4. District Officer,Jamui
5. Sub-Divisional Officer,Jamui

... .. Respondent/s

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Appearance :

For the Petitioner/s : Ms.Shama Sinha
For the Respondent/s : Mr.Md. N.H. Khan- SC1

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 25-07-2019 Heard counsel for the petitioner and counsel for the respondents-State.

Counsel for the petitioner submits that allegations in respect of which petitioner has been visited with charge memo under Resolution dated 09.11.2018, are the same as has been levelled against the petitioner in criminal proceeding. Allegations are in respect of demand of dowry for which petitioner has been proceeded against in the criminal trial.

Placing reliance on the case of Cap. M. Paul Anthony vs. Bharat Gold Mines Ltd & another reported in (1999) 3 SCC 679, it is submitted that the petitioner would approach respondent no.2 with a request to await conclusion of the trial,



in view of the fact that criminal trial in respect of same allegation on the same set of evidence, pending consideration before the criminal court. She submits that she would suffer grave prejudice if she has to disclose her defence in the departmental proceedings.

In view of said prayer and since consideration has to be done by the authorities, keeping writ petition pending would be futile. Same is disposed of with direction to Joint Secretary, Prosecution, Home Department, Govt. of Bihar (respondent no.2) to dispose of representation of the petitioner, if the same is filed within two weeks by reasoned and speaking order in accordance with law expeditiously and without undue delay.

Writ petition stands disposed of.

(Madhuresh Prasad, J)

s.hassan/-

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