

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.56 of 2018

In

Civil Writ Jurisdiction Case No.8964 of 2001

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Durga Nand Prakash, Son of Late Kashi Nath Mishra, resident of Village
Silaut, P.S. Muffasil, Samastipur, Dist.- Samastipur.

... .. Appellant/s

Versus

1. The State of Bihar
2. The Bihar State Food and Civil Supplies Corporation, Patna through its
Managing Director.
3. The Managing Director, Bihar State Food and Civil Supplies Corporation,
Patna.
4. The District Manager, State Food Corporation, Samastipur.
5. The District Manager, State Food Corporation, Begusarai.

... .. Respondent/s

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with

Letters Patent Appeal No. 55 of 2018

In

Civil Writ Jurisdiction Case No.5831 of 2005

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Durga Nand Prakash, Son of Late Kashi Nath Mishra, resident of Village
Silaut, P.S. Muffasil Samastipur, Dist.- Samastipur.

... .. Appellant/s

Versus

1. The State Of Bihar
2. The Bihar State Food and Civil Supplies Corporation through Managing
Director, B.S.F.C. Patna.
3. The Managing Director, Bihar State Food and Civil Supplies Corporation,
Patna.
4. The Administrative-in-Chief, Bihar State Food and Civil Supplies
Corporation, Patna.
5. The District Magistrate, State Food Corporation, Samastipur.
6. The District Manager, State Food Corporation, Darbhanga.

... .. Respondent/s

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Appearance :

(In Letters Patent Appeal No. 56 of 2018)

For the Appellant/s	:	Mr. Amish Kumar, Advocate
For the BSFC	:	Mr. Shailendra Kumar Singh, Advocate
For the State	:	Mr. S. Raza Ahmad, AAG 5
		Mr. Anisul Haque, AC to AAG 5



Mr. Alok Ranjan, AC to AAG 5
(In Letters Patent Appeal No. 55 of 2018)
For the Appellant/s : Mr. Amish Kumar, Advocate
For the BSFC : Mr. Shailendra Kumar Singh, Advocate
For the State : Mr. S. Raza Ahmad, AAG 5
Mr. Anisul Haque, AC to AAG 5
Mr. Alok Ranjan, AC to AAG 5

CORAM: HONOURABLE MR. JUSTICE RAJAN GUPTA
and
HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE RAJAN GUPTA)

12 29-08-2022 Heard learned counsel for the parties.

Chargesheet was issued to the appellant on 08.04.1985 for alleged embezzlement of 84 quintals of wheat. Apart from this, another five charges were levelled against the appellant. He challenged the same before this Court. However, he died during the pendency of this writ petition. As none appeared on his behalf, the learned Single Judge decided the case against him in his absence.

The present Letters Patent Appeal has been preferred by his son.

We have proposed to the appellant that he may seek review as the learned Single Judge was not ever made aware of the fact that the appellant had died by the time the case came up for final hearing. He is agreeable to this proposal.

A moot question would arise whether recovery of the alleged embezzled amount can be made from the son of the



appellant, who was not an employee of the respondent Corporation.

Under the circumstances, these appeals are disposed off with liberty to the appellant to file a review application. In case such a review application is filed within three weeks from today, it shall be listed high up in the list.

The Letters Patent Appeals stand disposed off.

(Rajan Gupta, J)

(Dr. Anshuman, J)

P. Kumar

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