

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.42128 of 2017**

Arising Out of PS. Case No.-8 Year-2010 Thana- C.B.I CASE District- Patna

Mayank Kumar Son of Amir Singh, R/o Flat No.302, Shyam Kishori Apartment , Fraser Road, P.S.- Gandhi Maidan and Town and District- Patna.

... .. Petitioner/s

Versus

The Central Bureau Of Investigation, Patna

... .. Opposite Party/s

**Appearance :**

|                      |   |                                                                      |
|----------------------|---|----------------------------------------------------------------------|
| For the Petitioner/s | : | Mr. P. N. Shahi- Sr. Advocate<br>Mr. Manish Kumar No-2- Advocate     |
| For the C.B.I.       | : | Mr. Bipin Kumar Sinha, SC,CBI<br>Mr. Avanish Kumar Singh- Spl. P. P. |

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA**  
**ORAL ORDER**

- 3      12-12-2023                      1. Heard learned senior counsel for the petitioner and learned Special P. P. for the C.B.I.
2. The learned senior counsel for the petitioner submits that on the same set of allegation, as alleged in the F.I.R., a departmental proceeding was also initiated against the petitioner and the Inquiry Officer, after threadbare inquiry, came to a considered conclusion that the charges as alleged in the charge memo were not found true.
3. The learned Special P. P. for the C.B.I. rebuts the submission of the learned senior counsel for the petitioner and submits that report of the Inquiry Officer does not attain finality in absence of it being accepted by the



disciplinary authority. It is thus submitted that reliance placed by the learned senior counsel for the petitioner on the inquiry report is meritless.

4. At this stage, the learned senior counsel for the petitioner submits that he may be permitted to withdraw the quashing application with liberty to raise all issues at the time of framing of charge, in the event, if the petitioner stands exonerated in the departmental proceeding.

5. Be it that as it may, since the learned senior counsel seeks permission to withdraw the quashing application, the same is permitted to be withdrawn.

**(Satyavrat Verma, J)**

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