

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.14790 of 2017**

Arising Out of PS. Case No.-225 Year-2008 Thana- PALASI District- Araria

Surendra Roy son of Late Ramashish Roy resident of village Chaktulla Police Station Hajipur Sadar and District Vaishali.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Ramesh Jha son of Late Raj N. Jha Block Development Officer, Jokihat.
3. The D.G. Vigilance, Bihar, Patna.

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. N.K. Agarwal  
For the Opposite Party/s : Mr. Arvind Kumar

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

2      21-09-2023                      1. Heard learned senior counsel for the petitioner and learned Special P.P. for the Vigilance.

2. Learned senior counsel for the petitioner submits that the issue which arises for consideration in the present case is whether the criminal proceeding be allowed to continue when on the same set of allegations, a departmental proceeding was initiated and the department after holding a departmental proceeding terminated the service of the petitioner but the same was challenged before this Court by filing a writ petition and this Court set aside the order of termination and remanded the matter back to the authority whereafter, the authorities also, in light of the order passed by the High Court and after taking into consideration the material facts, arrived at a conclusion that the petitioner was innocent and thus was exonerated of the charges and was reinstated back.

3. Learned senior counsel thus submits that when, based



on the same set of charges, in the departmental proceeding which is based on preponderance of probability, the petitioner was exonerated, then in that event, whether the criminal case should be allowed to continue against the petitioner, which is based on strict rule of evidence.

4. Learned Special P.P. for the Vigilance submits that in the event if what has been submitted by the learned counsel for the petitioner is true, the same can be raised at the stage of framing of charge but then at the stage of cognizance, the discretion of interfering with the order is minimal.

5. Learned senior counsel, thereafter, seeks permission to withdraw the quashing application with liberty to raise all the issues at the time of framing of charges.

6. Permission is accorded.

**7. Accordingly, the present quashing application is dismissed as withdrawn.**

**(Satyavrat Verma, J)**

HarshPandey/-

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