

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6102 of 2022

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Mahesh Kumar, son of Mahendra Singh, resident of Village and P.O.-Lakh,
P.S.-Muffasil, District-Begusarai-851129 (Bihar). Presently residing at
Ramnagar Colony, P.S. and District-Dhanbad (Jharkhand).

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Additional Chief Secretary, Home Department, Government of Bihar,
Patna.
3. The Director General of Police, Bihar, Sardar Patel Bhawan, Bailey Road.
4. The Deputy Inspector General of Police, Shahabad Range, Dehri-on-Sone.
5. The Superintendent of Police, Kaimur at Bhabua.
6. The Superintendent of Police-cum-Inquiry Office, Bhojpur at Ara.
7. The Superintendent of Police, Rohtas.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Y.V. Giri, Sr. Advocate Mr. Pranav Kumar, Advocate
For the Respondent/s	:	Mr. P.K. Verma (AAG-3)

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CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

3 09-09-2024 The petitioner is a retired S.H.O. of Dehri-on-Sone

Police Station in the district of Rohtas. On an allegation that he

manipulated the dates in the F.I.R. submitted in connection with

Dehri Nagar P.S. Case No. 10 of 2019 dated 05.01.2019

registered under the Bihar Prohibition and Excise Act, 2016, on

the ground to implicate an innocent person so that the real

culprit, namely, Janeshwar Singh might not be implicated, a

departmental proceeding is initiated.

2. Again for the willful act and omission by the



petitioner in Dehri Nagar P.S. Case No.10 of 2019 an F.I.R. was lodged against the petitioner being Dehri Nagar P.S. Case No.211 of 2021 dated 09.04.2021.

3. It is contended on behalf of the petitioner that the criminal case bearing Dehri Nagar P.S. Case No.211 of 2021 and the departmental memorandum of charge, are practically replication of each other, consistent of same allegation, same set of witnesses and same set of documents.

4. Since, the criminal case being Dehri Nagar P.S. Case No.211 of 2021 is at the stage of investigation, the petitioner has prayed for stay of the departmental proceeding.

5. It is also contended by the learned Senior Advocate on behalf of the petitioner that the petitioner retired from service on 31.12.2022. However, the departmental proceeding has not been converted to a proceeding under Section 43(b) of the Bihar Pension Rules as yet. On his retirement, departmental proceeding under CCA Rules, 2005 or Bihar Police Manual is not maintainable.

6. Having heard the learned senior counsel on behalf of the petitioner and the learned Advocate on behalf of the State and on due consideration of the following decisions passed by a Coordinate Bench of this Court in (i) ***Shashi Bhushan Kumar***



Vs. State of Bihar and others, 2022(2) BLJ 100 (ii) Mohd. Sallauddin Vs. State of Bihar, 2021(3) BLJ 595, this Court is of the view that the departmental proceeding ought to be stayed till the final decision in the criminal proceeding, which was registered against the petitioner vide Dehri Nagar P.S. Case No.211 of 2021.

7. Parties are at liberty to mention the matter after disposal of Dehri Nagar P.S. Case No.211 of 2021 for further order.

8. The proceeding is accordingly stayed in terms of the above order.

9. Accordingly, the instant writ petition is thus, disposed of.

(Bibek Chaudhuri, J)

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