

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2967 of 2022

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Chandan Puri Son of Sri Arun Kumar Puri, Resident of Mohalla - Sri Krishna
Nagar, P.O. - Motihari, P.S. - Town, District - East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through The Chief Secretary, Government of Bihar.
2. The Chief Secretary, Government of Bihar.
3. The Additional Chief Secretary, Home Department, Government of Bihar.
4. The Secretary, Law Department, Government of Bihar.
5. The Director General of Police, Government of Bihar.
6. Shri Durgesh Kumar Pandey, Additional Secretary, Home (Police)
Department, Government of Bihar.
7. The Deputy Inspector General (DIG) of Police, Vigilance Investigation
Bureau, Bihar, Patna.
8. The Superintendent of Police (SP), Vigilance Investigation Bureau, Bihar,
Patna.
9. Shri Sudhir Kumar, IAS, Chief Inquiry Commissioner, General
Administration Department, Government of Bihar (Presently the Inquiring
Authority in departmental proceeding case no. 05/2018).

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Y.V. Giri, Sr. Advocate
Mr. Raj Nandan Prasad

For the Respondent/s : Mr. Vishesh Kumar Singh
Mr. Sheo Shankar Prasad (SC8)

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CORAM: HONOURABLE MR. JUSTICE ARVIND SINGH CHANDEL
ORAL JUDGMENT

Date : 18-08-2025

Heard learned counsel for the petitioner and
learned counsel for the respondents-State.

2. Initially, this petition has been preferred by the
petitioner for setting aside the impugned order (Resolution No.
2/Aa.-70-17/2016 Gri.Aa. - 153 dated 05.01.2018 through
which a departmental proceeding has been ordered to be



initiated against the petitioner.

3. During pendency of this petition through I.A. No. 03 of 2024, petitioner prays for amendment in the prayer clause of the main writ petition, which reads as follows:

“Para-2. That in view of the abovementioned judgment of this Hon’ble Court, the following amendment to the main writ application is being prayed for as follows:-

That Sub Paragraph (iv) be added to Paragraph No.1 of main writ petition as under:

That this Hon’ble Court may be pleased to say the Departmental Proceeding No. 05/18 against the petitioner and restrain the respondents from passing any final order until the disposal of the Criminal Case – Special Case No. 52 of 2016 (arising out of Vigilance P.S., Patna FIR No. 116/2016) pending before the Court of learned Special Judge, Vigilance, Muzaffarpur.”

4. The brief facts of this case is that the petitioner joined as Sub-Divisional Police Officer, Jainagar, District-Madhubani on 16.08.2015. One Rambriksh Sah filed a complaint against the petitioner. On the basis of that, the Vigilance Investigation Bureau conducted raid on 27.10.2016 and allegedly, the petitioner was caught red handed on the spot



while accepting a bribe of Rs. 50,000/- from the complainant Rambriksh Sah. A Post-trap memorandum was also prepared and a Criminal Case under Sections 7, 8, 13(2) read with Section 13(1) (d) of the Prevention of Corruption Act, 1988 was registered against the petitioner. The petitioner was arrested and he was put under suspension. Subsequently, the petitioner was granted bail by a Co-ordinate Bench of this Court and released from the custody on 02.02.2017. Meanwhile, the departmental proceeding has also been initiated against the petitioner through Memo No. 2/Aa.-70-17/2017 Gri.Aa.-7508/Patna dated 15.09.2017 (Annexure-5), which has been challenged by the petitioner in this petition. During pendency of this petition, the petitioner filed the Interlocutory Application No. 03 of 2024 in order to stay the departmental proceeding no. 5/18 pending against the petitioner and restrain the respondents from passing any final order until the disposal of the Criminal Case - (Special) Case No. 52 of 2016 arising out of Vigilance P.S. Case No. 116 of 2016 pending before the learned Special Judge, Vigilance, Muzaffarpur.

5. It is submitted by the counsel for the petitioner that the departmental proceeding initiated by the respondents vide Resolution No. 2/Aa.-70-17/2016 Gri.Aa. - 153 dated



05.01.2018 and the criminal proceeding arising out of Vigilance P.S. Case No. 116 of 2016 in Special Case No. 52 of 2016 pending before the Special Judge, Vigilance, Muzaffarpur are based on the same circumstances and evidence. In both the proceedings, moreover the charges/allegations levelled against the petitioner are the same. According to the counsel, the witnesses in the criminal case and the witnesses in the departmental enquiry for establishing the case of the department are common/same. As such, the defence of the petitioner in the criminal case shall be prejudiced in case the disciplinary proceeding is not stayed and moreover, the charge/allegation levelled against the petitioner involves complicated question of law and facts.

6. The reliance has been placed by the counsel in the judgment passed by the Hon'ble Apex Court in the case of ***Kusheshwar Dubey Vs. Ms/ Bharat Coking Coal Ltd. & Ors.***, reported in ***1988(4) SCC 349*** and also reliance has been placed by the counsel in the judgment passed by the Co-ordinate Bench of this Court in the Case of ***Shashi Bhushan Kumar Versus the State of Bihar and Ors.***, passed in C.W.J.C. No. 1936 of 2021 dated 24.12.2021.

7. Learned counsel for the respondents-State



opposes the arguments raised by the counsel for the petitioner.

8. Heard learned counsel appearing for both the parties and perused the documents annexed with the petition as well as counter affidavit submitted by the respondents.

9. Perusal of the complaint filed by the complainant Rambriksh Sah on the basis of which the trap was conducted and the first information report no. 116 of 2016 has been registered and also the charges framed against the petitioner in departmental proceeding, including the statement of allegation in support of charges, the documents sought to be produced for incriminating the charges and the list of witnesses pertaining to the departmental proceedings initiated against the petitioner would show that both the departmental proceeding as well as the criminal case is based on the same and similar charges/allegation. It is also found that the criminal case, as has been mentioned hereinabove, not only involves complicated question of law and facts but the charges levelled against the petitioner in the criminal case as also documents and witnesses sought to be produced i.e. the evidence sought to be laid in both the criminal case also the departmental proceeding are overlapping, hence continuance of disciplinary proceeding is likely to prejudice the defence of the petitioner in the criminal



proceeding before the Criminal Court. Therefore, this Court is of the view that it would be just legal and in the interest of justice to stay the departmental proceeding till the conclusion of the criminal trial.

10. Resultantly, taking into consideration the facts and circumstances of the case, as referred hereinabove, it is directed that the further proceeding of the departmental proceeding bearing Resolution No. 2/Aa.-70-17/2016 Gri.Aa. - 153 dated 05.01.2018 shall remain stayed till conclusion of the Criminal Trial pending in the Court of Special Judge, Vigilance, Muzaffarpur.

11. However, petitioner is directed to co-operate in the ongoing trial proceeding in the said Vigilance Case and in case, the respondents find that the petitioner is getting any impediment in expeditious conclusion of the criminal trial, they should be at liberty before this Court for vacating of the stay granted by this Court for departmental proceeding in question.

12. Accordingly, the writ petition stands allowed.

(Arvind Singh Chandel , J)

shailendra/-

AFR/NAFR	NA
CAV DATE	NA
Uploading Date	20.08.2025
Transmission Date	NA

