

**(2008) 07 PAT CK 0221**

**Patna High Court**

**Case No:** LPA No. 386 of 2008

Jai Prakash Singh

APPELLANT

Vs

The State of Bihar and Others

RESPONDENT

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**Date of Decision:** July 10, 2008

**Acts Referred:**

- Penal Code, 1860 (IPC) - Section 406, 409, 420

**Citation:** (2009) 1 PLJR 226

**Hon'ble Judges:** R.M. Lodha, C.J; Ghanshyam Prasad, J

**Bench:** Division Bench

**Advocate:** Nikhilesh Kumar, for the Appellant;

**Final Decision:** Dismissed

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### **Judgement**

1. That the appellant has been arraigned as an accused in a First Information Report for the offences punishable under Sections 406, 409 and 420 of the Indian Penal Code, is not in dispute. That the investigation of the said offence is still going on, is also not in dispute. The order of suspension, read in the backdrop of these facts, leaves no manner of doubt that the suspension of the appellant is relatable to Rule 9(1)(c) of the Bihar Government Servants (Classification, Control and Appeal) Rules, 2005 and Rule 9(7) has no application. In the circumstances, dismissal of the writ petition by the Single Judge cannot be faulted.

2. L.P.A. has no merit. It is dismissed in limine.