

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.36359 of 2008

Arising Out of Complaint Case No.C1432 Year 2007 District- ARRARIA

Lalit Narayan Mishra, son of late Bhagat Lal Mishra, resident of village Rajeshwari, P.S. Chhatapur, Distt. Araria, at present Sub Divisional Officer, Araria.

.... Petitioner/s

Versus

1. The State of Bihar
2. Abinash Anand, son of K.N. Bishwas, resident of Ward No. 9, Shivpuri, P.S. Araria, Distt. Araria.

.... Opposite Party/s

Appearance :

For the Petitioner/s : None.

For the Opposite Party/s : None.

CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 26-06-2015

No one appears on behalf of the Parties.

The Petitioner seeks quashing of the entire Proceeding including the order of cognizance dated 6.12.2007 passed in Complaint Case No. C1432 of 2007.

The case of the Complainant is that he was a candidate for election to the post of Ward Commissioner amongst 12 candidates and had been allotted a symbol. On the date of occurrence, when he reached the Polling Booth, the Petitioner abused him as also intimidated him in various manner.

It has been submitted on behalf of the Petitioner that as is evident from the Complaint petition, the grouse was on account of being a rival candidate. It is for this reason that the present case was

instituted.

Having considered the nature of allegations, I am inclined to agree with the submission so raised on behalf of the Petitioner.

Hence, the application is allowed and the entire Proceeding including the order dated 6.12.2007 passed by the Sub Divisional Judicial Magistrate, Araria, in connection with Complaint Case No.C1432 of 2007, is hereby set aside.

(Anjana Prakash, J)

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