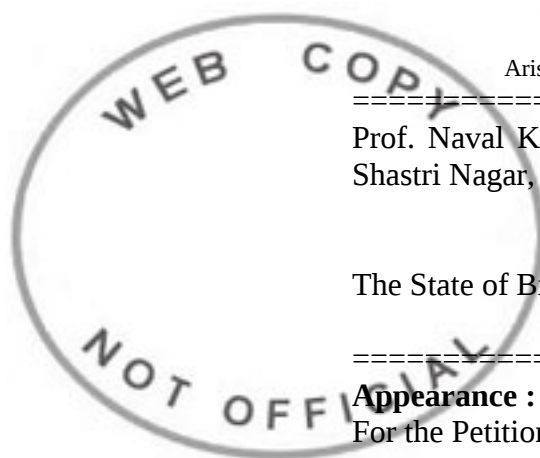




IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.7871 of 2013

Arising Out of PS.Case No. -138 Year- 2008 Thana -SHASTRINAGAR District- PATNA

Prof. Naval Kishor Yadav, son of Hari Rai, resident of Mohalla Punaichak, P.S. Shastri Nagar, Distt. Patna.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gopal Govind Mishra, Adv.
Mr. Anil Kumar Sharma, Adv.
Mr. Vijay Kumar Mishra, Adv.
For the State : Mr. R.P.S. Singh, A.P.P.

CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH
ORAL JUDGMENT
Date: 01-09-2015

Heard learned counsel for the Petitioner and the State.

The Petitioner seeks quashing of the order dated 14.3.2012 by which the Sessions Judge, Patna, in Criminal Revision No. 429 of 2011 has affirmed the order dated 16.4.2011 passed by the Judicial Magistrate, 1st Class, Patna, in connection with Shastri Nagar P.S. Case No. 138 of 2008 by which he has refused to discharge the Petitioner.

The case of the Informant is that on the date of occurrence several persons were rounded up on suspicion that they were casting illegal votes on the basis of false identity papers. On a close questioning, they disclosed that some persons who were living in the house of the Petitioner, who was a candidate, had given them

these false papers so as to enable them to cast vote in favour of the
Petitioner. There is nothing on record to show that the Petitioner was
himself involved in this transaction.

Considering such submission, the application is allowed
and the Proceeding including the order dated 14.3.2012 passed by the
Sessions Judge, Patna, in Criminal Revision No. 429 of 2011 as also
the order dated 16.4.2011 passed by the Judicial Magistrate, 1st Class,
Patna, in Shastri Nagar P.S. Case No. 138 of 2008, so far as the
Petitioner is concerned, is hereby set aside.

(Anjana Prakash, J)

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