

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.26950 of 2012

Arising Out of PS.Case No. -147 Year- 2005 Thana -null District- NALANDA (BIHARSHARIFF)

Arbind Sharma Late Kalpa Nath Singh R/O,Vill.-Sahsa,P.S.-,P.S.-
Mahandiya,Dist.-Arwal

.... Petitioner/s

Versus

1. The State Of Bihar
2. Anil Kumar Late Baleshwar Prasad R/O,Vill.-Indaut,P.S.-Hilsa,Dist.-Nalanda
3. Raj Kumar Late Jugeshwar Bind R/O,Vill.-Kurmiya Bigha,P.S.-Hilsa,Dist.-Nalanda
4. Narendra Kumar Late Lakhan Prasad B.D.O. Hilsa,Then Election Officer Hilsa On 10.5.2001
5. Shashi Bhushan Rai A Teacher At High School Noorsarai,P.S.-Noorsarai,Dist.-Nalanda
6. Arun Kumar A Teacher High School ,Belaour Mirpur,P.S.-Noorsarai,Dist.-Nalanda,Counting Assit.On 10.5.2001
7. Ram Chandra Paswan A Teacher Middle School Sangatar Noor Sarai,P.S.-Noor Sarai Of Vill.-Muzaffara,P.S.-Noorsarai,Dist.-Nalanda

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Tej Narayan Singh, Adv.

For the Opposite Party/s : Mr. R.B. Roy Rama, APO

CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 23-03-2015

The petitioner seeks quashing of the order of cognizance dated 20.05.2010 passed in Hilsa P.S. Case No. 147 of 2005 by the Additional Chief Judicial Magistrate, Hilsa (Nalanda).

The case of the informant is that Gram Panchayat Election of Indut Gram was held in the year 2001 in which there were 22 candidates including the informant. The petitioner being a teacher was deputed along with other staffs for counting the votes in presence

of the Election Officer, Hilsa. After counting, the co-accused BDO declared him winning candidate and gave him certificate of winner. Later on it was found that 33 votes were wrongly counted which had given him advantage and thereafter, other person was declared as elected candidate.

It has been submitted on behalf of the petitioner that even conceding the entire allegation, no criminal offence is made out.

I am inclined to agree with such submission on the basis of facts reproduced above and hence the application stands allowed as against all the accused persons. The order of cognizance dated 20.05.2010 passed in Hilsa P.S. Case No. 147 of 2005 by the Additional Chief Judicial Magistrate, Hilsa (Nalanda) is hereby set aside.

(Anjana Prakash, J)

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