

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19327 of 2014

=====

Rajendra Singh son of Late Ram Chandra Singh resident of Village - Noorpur (Maujampur), P.O. - Mahuli Ghat P.S. Krishna Garh (Barahara), Gram Panchayat Naragadda, Anchal Barahara, District- Bhojpur.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The State Election Commission through its Secretary, Sone Bhawan, Third Floor, Birchand Patel Path, Patna.
3. District Magistrate-cum-District Election Officer, Panchayat, at and P.O. - Ara, Police Station - Nawada Ara, District - Bhojpur.
4. Returning Officer, Dy. Collector, Bhojpur at Bhojpur Collectorate Ara, P.O. - Ara Gram Panchayat Election, Block Barahara, District - Bhojpur.
5. A.D.M.-cum-Settlement Officer, Settlement Office, Ara, Bhojpur Election Observer of Barahar Block Panchayat Election, District- Bhojpur.
6. A.R.O.-cum-Block Development Officer, Block Barahara, District - Bhojpur.
7. Raj Kumar Singh @ Raju Singh Son of Baliram Singh Resident of Village - Kudariya, P.O. - Parsurampur, Police Station - Krishnagarh, Block - Barahara, District - Bhojpur.
8. Sunil Singh Son of Sheo Kumar Singh Resident of Village - Naragada, P.O. - Balua High School, P.S. - Krishnagarh, Block - Barahara, District- Bhojpur.
9. Brajesh Bahadur Singh @ Ranu Singh Son of Rama Shankar Singh
10. Vijay Kumar Singh @ Teni Singh Son of Late Sudama Singh Both Residents of Village - Jakhari, P.O. - Mahulighai, P.S. - Krishnagarh, Block Barahara, District- Bhojpur.

.... Respondent/s

=====

Appearance:

For the Petitioner/s	:	Mr. Rajendra Narayan, Sr. Advocate Mr. Makardhwaj Upadhyay, Advocate
For the Respondent/s	:	Mr. Ajay Bihari Sinha, SC-19 Mr. Neeraj Raj, A.C. to SC-19
For the State E.C.	:	Mr. Amit Shrivastava, Advocate Mr. Sanjeev Nikesh, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

2 15-02-2016

Heard the parties.

The petitioner is aggrieved by the judgment and order dated 24.6.2014 passed by Shri Arvind, Execution Munsif-cum-Election Tribunal, Bhojpur at Ara in Election Petition No. 4 of

2011 whereby the election case has been dismissed.

Fact of the case briefly stated is that the petitioner, the respondent no. 6 and some others contested the election to the post of Mukhiya, Gram Panchayat, Nargada in the district of Bhojpur in which the private respondent no. 7 returned elected.

The petitioner being aggrieved filed the election dispute in question giving rise to Election Case No. 4 of 2011 *inter alia* complaining that the nomination filed by the respondent no. 7 was suffering from suppression of material fact inasmuch as he had not disclosed about the criminal prosecution launched against him and thus had engaged in corrupt practices and was not eligible to contest the election. The court below considering the circumstances has not found merit in the contest initiated by the writ petitioner. The election having been dismissed by the judgment and order impugned on 24.6.2014 that the petitioner is before this Court.

I have heard learned counsel for the parties and I have perused the records. The issue so raised by the election petitioner before the court below is reiterated and it is argued by learned counsel for the petitioner that since there is a conscious suppression of the criminal prosecution by the respondent no. 7 which has been held to be a corrupt practices by the Apex Court in the judgment reported in **AIR 2015 SC 1921 (Krishnamoorthy**

vs. Sivakumar) hence the respondent no. 7 was not eligible to file nomination and his furnishing incorrect information regarding the criminal prosecution falling within the confines of corrupt practices, the nomination was fit to be rejected. The nomination form has been placed on record by the State counsel by filing a counter affidavit and a bare perusal of the Annexures to the nomination form would confirm that there has been no suppression of fact by the respondent no. 7 and even though while responding to the query made at Column-2 there is no reference to the accusations under the Arms Act but while giving his reply against the query at paragraph-3, the lacuna whatsoever stands corrected and the prosecution launched against the private respondent has been fully discussed.

In the circumstances discussed, I find no reasons to interfere with the opinion expressed by the court below.

The writ petition is disposed of.

(Jyoti Saran, J)

S.Sb/-

U			
---	--	--	--