

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48062 of 2016

Arising Out of PS.Case No. -479 Year- 2016 Thana -NAWADA District- NAWADA

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1. Ganauri Pandit son of late Meghu Pandit Resident of Vill-Siur, PS- Roh,
District - Nawada

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ramesh Singh

For the Opposite Party/s : Mr. Sri Binod Kumar 3

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL
ORAL ORDER

2 15-12-2016 Heard the Counsel for the petitioner and Mr. Vinod Kumar-
III, APP for the State.

Apprehending his arrest in Nawada Town P.S. Case No. 479 of 2016 registered under sections 420, 409, 465, 468, 120B of the Indian Penal Code and Sections 128, 129 and 135 of R.P. Act, the present application is filed for grant of anticipatory bail.

The Sub Divisional Officer lodged the case alleging that in course of counting of the ballot papers of the Panchayat Election, 48 ballot papers duly marked in favour of Jitendra Kumar were found scattered behind the counting centre. Alleging misuse thereof, the present F.I.R. was lodged. Jitendra Kumar was declared elected at the said election defeating his nearest rival by more than 814 votes. The petitioner, when called upon, explained the circumstances under which those ballot papers could not be deposited in the strong room which was/were probably misused by some other accuseds. It is submitted that the petitioner being



Headmaster of the school was deputed as the Presiding Officer having no criminal antecedent. The number of ballot papers allegedly found near the counting centre would not make much difference.

Considering the above, in the event of arrest or surrender in the Court below within four weeks, the petitioner abovenamed is directed to be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Nawada in Nawada Town P.S. Case No. 479 of 2016 subject to the condition as laid down under Section 438(2) of the Cr.P.C. with the further following conditions:

(i) One of the bailers shall be the own/close family members of the petitioner.

(ii) In case of framing of charge, the petitioner shall appear in person on each and every date fixed in the Court below. In case of default in doing so on two consecutive occasions without any cogent/satisfactory reason, the Trial Court shall have liberty to cancel the bail bond of the petitioner and secure his arrest in accordance with law.

(Kishore Kumar Mandal, J)

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