

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.25177 of 2016

Arising Out of PS.Case No. -72 Year- 2016 Thana -BISFI (PATAUNA) District- MADHUBANI

1. Yaswant Jha, son of late Mahendra Jha
 2. Yugat Lal Yadav, son of Laxaman Yadav
- Both are residents of village- Balalunja, P.S.- Bisfi (Patuana), District- Madhubani.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s :

For the Opposite Party/s :

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 14-06-2016

Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners seek bail in Bisfi (Patauna) P.S. Case No.
72 of 2016 dated 02.05.2016 instituted under Sections 147, 149, 323,
341, 171(F), 332, 353, 384, 387, 504 and 506 of the Indian Penal
Code.

The allegation against the petitioners is of threatening the
Presiding Officer of a particular Booth during the recently held
Panchayat elections.

Learned counsel for the petitioners submits that as per
the allegation itself, there was a crowd of about 100 persons and thus,
identification of the petitioners is impossible. It is further submitted

that as per the seizure-list, there is nothing to connect the petitioners to the torn ballots. He further submits that the identification is on the basis of the report of the local Chaukidar and not that of the Presiding Officer himself. Learned counsel further points out that a plain reading of the F.I.R. would disclose that it is not written in the hand writing of the informant and he has only signed on it, but the main contents have been written by someone else.

Learned A.P.P. opposes the prayer for bail and submits that there is specific and direct allegation as well as identification of the petitioners of making disturbance in the peaceful election process and of threatening the Presiding Officer which relates to confidence in the public system and the electoral process, which is the very foundation of any democracy.

Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court is not inclined to grant bail to the petitioners. Accordingly, the application stands dismissed.

However, the court below shall expedite the trial and conclude the same within six months.

(Ahsanuddin Amanullah, J)

Sujit/Ravi

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