

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.740 of 2016

=====

Bali Ram Yadav S/o Sri Ram Lakhan Yadav, Resident of Village-
Mohugin, P.S.-Wazirganj, District-Gaya.

.... Petitioner/s

Versus

1. The State of Bihar
2. The Secretary Co-operative Department, Govt. of Bihar, Patna.
3. The Registrar, Co-operative Department, Bihar, Patna.
4. The District Election Officer, Gaya.
5. The Election Officer cum -B.D.O. Wazirganj District Gaya.
6. Sri Shiva Ram Yadav S/o Sri Ganga Yadav, Resident of Village- Birvia,
P.S-Wazirganj, District-Gaya.
7. Sri Prakash Singh s/o Late Tulsi Singh Resident of Village- Birvia, P.S
Wazirganj, District Gaya.

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Surendra Kumar Singh, Adv.
For the Respondent-State : Mr. Ritesh Kumar, S.C.-33

=====

CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

2 19-01-2016 Heard Mr. Surendra Kumar Singh, learned counsel

appearing for the petitioner and learned counsel appearing for the

State.

The petitioner is aggrieved by the order dated
11.4.2015/25.4.2015 passed by the Joint Registrar, Cooperative
Societies, Magadh Division, Gaya in Election Case No.49 of
2014-15 whereby the election case has been dismissed.

I have heard learned counsel for the parties and I have
perused the records.

The ground on which the election of the private
respondent was questioned is that the voter list was infracted and

that there has been an irregularity in the counting of the votes. Whereas the petitioner having contested the election on a voter list without raising any objection at any stage since after its preparation, he is precluded to question the same, even on the issue of illegality in the counting what I notice from the impugned order is that no evidence was led by the petitioner to support the charge of illegality in counting process and why the 105 votes were declared invalid should not have been done so. Law on either of the two issues stands well settled. Apparently the petitioner while commenting upon illegality in the counting process wanted to initiate a roving enquiry and which in absence of supporting evidence has been rightly rejected by the prescribed authority. Finding no merit in either of the issues raised in election petition, no call for interference in the order or in the election result is made out.

The writ petition is dismissed.

(Jyoti Saran, J)

deepika/-

U			
---	--	--	--