

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 6304 of 2017

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Ram Briksha Yadav, Son of Late Kesho Yadav, Resident of Village - Bishanpur,
P.O. Budhauli, P.S. Pakari Barwan, District - Nawada.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Panchayati Raj Department,
Government of Bihar, Patna.
2. The Principal Secretary, Panchayati Raj Department, Government of Bihar,
Patna.
3. The Director, Panchayati Raj Department, Government of Bihar, Patna.
4. The District Magistrate-cum-District Election Officer (Panchayat), Nawada,
District - Nawada.
5. The District Panchayat Raj Officer, Nawada, District - Nawada.
6. The Block Development Officer, Pakari Barwan, District - Nawada.
7. Sudhir Yadav, Son of Rameshwar Yadav, Resident of Village and P.O.
Budhauli, P.S. Pakari Barwan, District - Nawada, presently Ward Member of
Ward No. 5 and Up - Mukhiya of Gram Panchayat Raj, Budhauli, Block -
Pakari Barwan, District - Nawada.

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. S. B. K. Mangalam and Mr. Ravi Ranjan, Advocates
For the State	:	Mr. Ravindra Kumar, A.C. to A.A.G. 6

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 16-08-2017

Heard learned counsel for the petitioner and the State.

2. Basically the petitioner has challenged the election
of the respondent no. 7 to the post of Ward Member of Gram
Panchayat Raj, Budhauli on the ground that he had suppressed the
fact that there was a criminal case pending against him in which



cognizance has been taken and summons issued.

3. Learned counsel for the petitioner submitted that in view of the fact that cognizance was taken and summons issued, the same had to be declared in the affidavit which respondent no. 7 has not done.

4. In view of the matter requiring appreciation of facts and arriving at a finding based on facts, in the considered opinion of the Court, it would be more appropriate to get the matter adjudicated by the appropriate forum which can go into all such aspects. The Court would only observe that such suppression of fact is a relevant and important factor relating to the very purity of the election and the right of the electorate to know about the criminal antecedent of the prospective candidate and thus, such issue has to be taken seriously and natural and obvious consequences have to follow. However, before coming to that stage, there is to be a thrashing out of the issue on facts.

5. In view of the discussions made hereinabove, the writ petition stands disposed off with liberty to the petitioner to file a duly constituted election petition before the appropriate forum. If such an application is filed within one month from today, along with a copy of this order, the same shall be considered on merits, expeditiously and latest within a period of six months from the date



of its filing.

(Ahsanuddin Amanullah, J.)

P. Kumar

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