

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.905 of 2017

1. The State Election Commission, Bihar.
2. The Secretary, State Election Commission, Bihar.

... .. Appellant/s

Versus

1. Gopal Bhagat Son of Shri Raghubar Bhagat Resident of Village - Baheri East, P.S. Baheri, P.O. - Baheri, District - Darbhanga.
2. The State of Bihar through the District Magistrate, Darbhanga.
3. The District Magistrate-cum-Election Officer (Panchayat), Darbhanga.
4. The Returning Officer-cum-Sub Divisional Officer, Sadar, Sadar Darbhanga.
5. Nayeem Son of Md. Hakeem Resident of Village + P.O. - Baheri, Panchayat Baheri, East, P.S. Baheri, Block - Baheri, District - Darbhanga.
6. Ashok Kumar Mandal Son of Anand Mandal Resident of Village + P.O. - Baheri, Panchayat Baheri, East, P.S. Baheri, Block - Baheri, District - Darbhanga.
7. Jaheed Son of Md. Jaikir Resident of Village + P.O. - Baheri, Block - Baheri, District - Darbhanga.
8. Ghuran Sharma Son of Ramchandra Sharma Resident of Village + P.O. - Adavan, P.O. - Thathopur, Panchayat - Thathopur, P.S. - Baheri, Block - Baheri, District - Darbhanga.
9. Praveen Kumar Dev Son of Kamal Lal Dev Resident of Village - Baheri, Panchayat Baheri West, P.S. - Baheri, Block - Baheri, District - Darbhanga.
10. Mahadev Mukhiya Son of Late Madhuri Mukhiya Resident of Village + P.O. - Baheri, Panchayat - Baheri, P.S. - Baheri, Block - Baheri, District - Darbhanga.
11. Manoj Lal Dev Son of Yugeshwar Lal Deo Resident of Village - Pakri, Panchayat - Baheri West, P.S. - Baheri, Block - Baheri, District - Darbhanga.
12. Md. Subhan Son of Md. Muslim Resident of Village + P.O. - Badhauni, Panchayat - Badhauni, P.S. - Baheri, Block - Baheri, District - Darbhanga.
13. Shanti Devi Wife of Sukhnandan Mahto Resident of Village + P.O. - Hathauri, Panchayat Hathauri South, P.S. - Hayaghat, Block - Baheri, District - Darbhanga.
14. Shivshankar Mandal Son of Late Ganga Mandal Resident of Village - Kharari, P.O. - Kharari, Panchayat Hathauri South, P.S. - Hayaghat, Block - Baheri, District - Darbhanga.
15. Sunil Kumar Mandal Son of Ganaur Mandal Resident of Village + P.O. - Badhauni, Panchayat - Badhauni, P.S. - Baheri, Block - Baheri, District - Darbhanga.
16. The Returning Officer, Baheri-cum- Block Development Officer, Jale

... .. Respondent/s

Letters Patent Appeal No. 871 of 2017

Nayeem, Son of Md. Hakeem, Resident of Village and P.O. Baheri, Panchayat- Baheri East, P.S. Baheri, Block- Baheri, District- Darbhanga.

... .. Appellant/s

Versus



1. The State of Bihar through the District Magistrate, Darbhanga.
2. The District Magistrate-cum-District Election Officer(Panchayat), Darbhanga.
3. The Returning Officer-cum-Sub-Divisional Officer, Sadar Darbhanga.
4. The Returning Officer, Baheri-cum-Block Development Officer, Jale.
5. The State Election Commission, Bihar.
6. The Secretary, State Election Commission, Bihar.
7. Ashok Kumar Mandal, son of Anand Mandal, Resident of Village + P.O. Baheri Panchayat Baheri East, P.S. Baheri, Block- Baheri, District- Darbhanga.
8. Jaheed, Son of Md. Jakir, Resident of Village + P.O. Baheri, Panchayat Baheri East, P.S. Baheri, Block- Baheri, District- Darbhanga.
9. Ghuran Sharma, Son of Ramchandra Sharma, Resident of Village- Adavan, P.O.- Thathopur, Panchayat- Thathopur, P.S. Baheri, Block- Baheri, District- Darbhanga.
10. Praveen Kumar Dev, Son of Kamal Lal Dev, Resident of Village- Baheri, Panchayat- Baheri West, P.S. Baheri, Block- Baheri, District- Darbhanga.
11. Mahadev Mukhiya, Son of Late Madhuri Mukhiya, Resident of Village + P.O. Baheri, Panchayat- Baheri, P.S. Baheri, Block- Baheri, District- Darbhanga.
12. Manoj Lal Dev, Son of Yugeshwar Lal Dev, Resident of Village- Pakri, Panchayat- Baheri West, P.S. Baheri, Block- Baheri, District- Darbhanga.
13. Md. Subhan, Son of Md. Muslim, Resident of Village + P.O. Badhauni, Panchayat- Badhauni, P.S. Baheri, Block- Baheri, District- Darbhanga.
14. Shanti Devi, Wife of Sukhnandan Mahto, Resident of Village + P.O. Hathauri, Panchayati- Hathauri South, P.S. Hayaghat, Block- Baheri, District- Darbhanga.
15. Shiv Shankar Mandal, son of Late Ganga Mandal, Resident of Village- Kharari, P.O. Kharari, Panchayat- Hathauri South, P.S. Hayaghat, Block- Baheri, District- Darbhanga.
16. Sunil Kumar Mandal, Son of Ganaur Mandal, Resident of Village + P.O. Badhauni, Panchayat- Badhauni, P.S. Baheri, Block- Baheri, District- Darbhanga.
17. Gopal Bhagat, Son of Sri Raghubar Bhagat, Resident of Village- Baheri Eat, P.S. Baheri, P.O.- Baheri, District- Darbhanga.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Amit Shrivastava, Advocate Mr. Sanjeev Nikesh, Advocate
For the State	:	Mr. Mritunjay Kumar, AC to AAG 6
For the Respondent	:	Mr. Harendra Pd. Singh, Advocate

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)



5 20-09-2017 Even though various legal questions are involved in the matter and learned counsel for the parties made submission in support of their rival contentions, but we find that this is a case where there was error in printing the ballot paper for two booths, i.e. booth Nos. 257 and 258 and all concerned are of the view that now the best course would be, in the peculiar facts and circumstances of the case, to direct for re-poll for the Constituencies in question. The counsel representing the State Election Commission and the contesting parties agree for the same and according to them, the error of printing the ballot papers which were used in casting the votes of booth Nos. 257 and 258, have resulted in various discrepancies in the election.

Keeping in view the understanding reached by all concerned, we direct the State Election Commission to notify election for the Constituencies in question and conclude the entire process of election in accordance with law within a period of two months.

However, it is made clear that the election shall be confined to the candidates who were originally eligible to contest the election and no fresh nomination would be permitted. Only by permitting the candidates who were already eligible to participate in the election held on 6.5.2016, fresh



casting of vote be undertaken by printing the ballot papers afresh.

With the aforesaid modification in the order passed by the learned writ court, these two appeals stand disposed of.

(Rajendra Menon, CJ)

spandey/-

(Anil Kumar Upadhyay, J)

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