

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.2779 of 2012**

Arising Out of P.S.Case No.64 Year- 2009 Thana -null District- WESTCHAMPARAN(BETTIAH)

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1. Kumari Janmotri Mamta Nishad D/O Sri Shyam Nandan Sahani Resident of Village Majuraha, Post Motihari Court, Police Station Turkauliya, Dist. East Champaran.
  2. Harendra Ram S/O Late Ram Bilash Ram Resident Of Village + Post Jhakhra, Police Station Jagdishpur (Nautan), Dist. West Champaran.
  3. Ejaj Hussain S/O Akhtar Hussain Resident of Villge Mansa Tola, Post Bakhat Pasraeen, Police Station Muffasil Bettiah, Dist. West Champaran.
  4. Narayan Prasad S/O Late Ram Chandra Prasad Resident of Village + Post Vishunpura, Police Station Jagdishpur (Nautan) Dist. West Champaran.
  5. Shambhu Prasad Gupta S/O Janak Prasad Resident of Mohalla Ujjain Tola Bettiah, Post Bettiah, Police Station Nagar Station, Dist. West Champaran.

.... .... Petitioners

Versus

The State of Bihar

.... .... Opposite Party

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**Appearance :**

For the Petitioners : Mr. Ravindra Kumar Singh, Advocate  
For the Opposite Party : Mr. Humayu Ahmad Khan, APP

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**CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR**

**ORAL JUDGMENT**

**Date: 10-10-2017**

This criminal miscellaneous application under Section 482 of the Cr.P.C. has been filed to quash the order dated 29.10.2010 passed by Chief Judicial Magistrate, Bettiah in Bettiah (T) P.S.Case No.64 of 2009 whereby and whereunder the Magistrate took cognizance against the petitioners for the offence under Sections 188 of the IPC and 123 of the Representation of People Act.

2. Heard the learned counsel for the petitioners and learned APP for the State.

3. The informant of this case is the Circle Officer, Bettiah



who after getting information visited to Supriya Cinema Hall and found these petitioners and other leaders of BSP convening a political meeting. The meeting was being attended by 500-600 leaders and workers of the political parties. In course of enquiry, it was found that no permission was taken for convening the said meeting. The informant further found a large number of vehicles with flag of political parties parked near the said Hall. The petitioners and other accused were allegedly violated the provisions of Code of conduct on account of notification of general election. I find that all the petitioners are named in the FIR with specific allegation that they had taken the said Hall for convening a meeting for election campaign without taking permission from the competent authority. In case diary, I find that the proprietor of Supriya building has supported the allegation that his aforesaid building was being used for marriage purpose and convening meeting on hire. These petitioners had taken Hall for convening the meeting. The other witnesses have also supported the allegation of convening meeting by these petitioners and members of political parties in violation of Code of Conduct without taking permission from the competent authority. After investigation, police submitted chargesheet for the offence under Section 188 of the IPC and Section 123 of the Representation of People Act. The learned Magistrate on being satisfied has rightly



taken cognizance against the petitioners under the aforesaid Sections.

4. In view of the above facts, I do not find any merit in this application and the same is dismissed.

(Sanjay Kumar, J)

B.Kr./-

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