

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24817 of 2013

Arising Out of PS.Case No. -1 Year- 2009 Thana -GOBARHIA District-
WESTCHAMPARAN(BETTIAH)

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Manan Mishra @ Manan Kumar Mishra S/O Late Sheo Chandra Mishra
R/O Village- Tiwari Kharaiya, P.S- Kuchaikote, Distt- Gopalganj.

.... Petitioner/s

Versus

The State Of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rama Kant Sharma, Sr.Advocate
Mr. Sanjay Kumar Pandey
Mr. A. Parashar, Advocate

For the Opposite Party/s : Mr. Arun Kr. Singh 5 (App)

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR
ORAL ORDER

4 21-06-2017 Heard learned counsel for the parties.

This petition for setting aside the cognizance order dated 26.08.2009 passed by learned Additional Chief Judicial Magistrate, Bagaha in connection with Gobrahiya P.S. CaseNo.01/09, Tr.No.876/11 registered under Section 34 of Bihar Prevention of Defacement of Property Act, 1985 has been challenged.

Learned counsel for the petitioner submits that the allegation against the petitioner is that he being a candidate of Bahujan Samaj Party was fighting election or the Lok Sabha and an F.I.R. was lodged against him alleging that a poster of this candidate was found by the road side. It is further submitted that there is no allegation that any defacement of property or any kind



of structure was damaged. Moreover, this petitioner had no first hand knowledge that who had put that poster on the road side. It is also submitted that there was similar allegation against the petitioner in Bagha P.S. Case No.112 of 2009 and the cognizance order of that case too was set aside by order dated 17.08.2015 passed in Cr.Misc.No.48445 of 2012.

Having considered the submission and the nature of allegation this application is allowed and the order of cognizance dated 26.08.2009 passed by A.C.J.M. Bagha in connection with Gobrahiya P.S. Case No.01 of 2009(Tr.No.876/11) is hereby set aside.

(Arun Kumar, J)

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