

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 33214 of 2017

Arising Out of PS.Case No. -61 Year- 2017 Thana -KISHUNPUR District- SUPAUL

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BECHAN PRASAD YADAV @ BECHAN YADAV Son of Bashishta Narayan
Yadav, Resident of Village-Nawabakhar, P.S.-Kishanpur, District-Supaul.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr.

For the Opposite Party : Mr.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 24-07-2017

Heard both sides.

Allegation against the petitioner is that he was elected
as member of Panchayat Samiti due to deliberate suppression of his
previous conviction in a criminal case.

Submission of the learned counsel for the petitioner
is that the alleged offence under Section 125(a)(1) of the Panchayat
Raj Act, 2006 is punishable with imprisonment of one year and
offence under Section 420 of the Indian Penal Code is not made out as
ingredients of cheating is not there. Similarly, offence under Section
193 of the Indian Penal Code is also not made out as there is no
allegation of producing forged document in a judicial proceeding or
otherwise.

Considering the nature of allegation against the
petitioner, in my view, he does not deserve protection of anticipatory



bail. Hence, prayer is refused in connection with Kishanpur P.S. Case No. 61 of 2017 pending in the Court of learned Chief Judicial Magistrate, Supaul.

However, the learned court below in the event of surrender of the petitioner within fifteen days shall dispose of the regular bail application without being prejudiced of this order and also considering the fact that no allegation of cheating is there as per the definition of word cheating in Section 415 of the Indian Penal Code.

(Birendra Kumar, J)

Kundan/-

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