

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.1694 of 2013
IN
Civil Writ Jurisdiction Case No. 19237 of 2013**

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Basant Singh Son Of Late Ram Kripal Singh R/O Mohalla- Maula Bagh, P.O.- Ara,
P.S.- Ara Town, District- Bhojpur At Ara

.... Appellant

Versus

1. The Bihar State Election Commission, Patna Through Its Secretary
2. The Election Commissioner, Bihar State Election Commission, Bihar, Patna
3. The Commissioner, Municipal Corporation, Bhojpur At Ara
4. The District Magistrate-Cum-District Election Officer, Bhojpur At Ara
5. Kumar Abhishekh Son Of Sukun Prasad R/O Mohalla- Sheoganj, P.O.- Ara,
P.S.- Ara Town, District- Bhojpur At Ara

.... Respondents

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Appearance :

For the Appellant : None

For the Respondents 1 & 2: Mr. Amit Shrivastava, Advocate
Mr. Sanjeev Nikesh, Advocate

For the Respondent No.3&4: Mr. Bishwa Bibhuti Kumar Singh, Advocate

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**CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
and
HONOURABLE JUSTICE SMT. NILU AGRAWAL**

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

Date: 10-03-2017

None on behalf of the appellant. Counsel for the Bihar
State Election Commission, State as well as Ara Municipal
Corporation are present.

Perused the order dated 18.11.2013 passed in C.W.J.C.
No. 19237 of 2013. The appellant was convicted for a period of two
years under Section 406 of the Indian Penal Code and that conviction
was subsisting when he filed his nomination to fight the election as a
Ward Member of Ara Municipal Corporation. Since the conviction
was for two years and it was subsisting on the date he filed his



nomination, the learned single Judge held that he stood disqualified and, therefore, acceptance of the nomination was illegal in law.

The learned single Judge has committed no error in passing the order in the accepted facts. Otherwise also for the reason that no cause or lis subsists now as election related to the year 2012, appeal is dismissed.

(Ajay Kumar Tripathi, J)

(Nilu Agrawal, J)

Pawan/-

AFR/NAFR	NAFR
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