

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13574 of 2012

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RAM BILASH PASWAN @ BILASH PASWAN S/O LATE GANI PASWAN
R/O VILL-LODIPUR, P.S.-LODIPUR, DISTT-BHAGALPUR

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. NIRANGANJ KUMAR, CIRCLE OFFICER, KAHALGAON-CUM-
ELECTION OFFICER, SABOUR BLOCK, DISTRICT- BHAGALPUR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Deepak Kumar Sinha
For the Opposite Party/s : Mr. J.Upadhyay(APP)

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CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA

C.A.V. JUDGMENT

Date : 04-04-2018

Heard learned counsels for the parties.

Petitioner, by means of this application under section 482 of the Code of Criminal Procedure, has invoked the inherent jurisdiction of this Court with prayer to quash the orders dated 20.05.2011 and 28.07.2011 passed by the Chief Judicial Magistrate, Bhagalpur in connection with Sabour P.S. Case No. 21 of 2011 G.R. Case No. 717 of 211, Tr. No. 260 of 2011, whereby and whereunder cognizance has been taken against the petitioner for the offence under sections 420/201 of the Indian Penal Code.

Prosecution case, in brief, is that one Nirranjan Kumar, Circle Officer-cum-Election Officer alleged that in General Election of Gram Panchayat petitioner had filed his nomination for election on 15.03.2011 by mentioning himself as



Ram Bilash Paswan son of Late Gani Paswan whereas his name has come in Lodhipur P.S. Case No. 30 of 2010 as Bilas Paswan son of Late Gaina Paswan, and as such, he has concealed the fact and has forged.

Learned counsel appearing for the petitioner submits that papers relating to the identity of the petitioner i.e. Voter ID Card etc. show that his name is Ram Bilas Paswan son of Late Gani Paswan as would appear from Annexure-3 (series). So far as Lodipur P.S. Case No. 30 of 2010 (Annexure-4) is concerned, it is submitted that the same case was lodged against 400-500 unknown persons. Informant later on in his statement (Annexure-5), named 10 persons including the name of present petitioner as Bilas Paswan. Petitioner was granted bail in that case by this Hon'ble Court vide order dated 03.08.2011 passed in Cr. Misc. No. 25735 of 2011 vide Annexure-6. Learned counsel further submits that in the present case also petitioner has been granted bail by this Hon'ble Court vide order dated 24.10.2011 passed in Cr. Misc. No. 34837 of 2011 as contained in Annexure-7. It is submitted that name of the petitioner was mentioned as Bilas Paswan in Lodipur P.S. Case No. 30 of 2010 which is not the fault of the petitioner rather it is the fault of the Chowkidar/informant. Petitioner nowhere used his name as



Bilas Paswan. As a matter of fact, petitioner is also called as Bilas Paswan but his actual name is Ram Bilas Paswan. Petitioner has not committed any forgery, rather it is only a spelling mistake and is, therefore, immaterial. In the aforesaid background, learned counsel submits that the order taking cognizance is fit to be quashed.

Considering the facts and circumstances of the case, materials available on record and the submissions advanced on behalf of the parties, this Court finds that the submissions advanced by the learned counsel for the petitioner has no force.

The present first information report was lodged against the petitioner for the reason that he concealed the fact that one criminal case was pending against him. Whether the first information report has been lodged against his actual name or his alias name, it has no significance. Petitioner has admitted that his name is Ram Bilas Paswan @ Bilas Paswan and he was in custody in Lodipur P.S. Case No. 30 of 2010 as also the fact that he has been granted bail by this Hon'ble Court.

Lower Court's Record of the case is available on the record. Perusal whereof shows that the form filled by the petitioner for nomination is also appended with the first information report, in which petitioner has clearly denied the



fact that any criminal case is pending against him. But, concealing this important fact, he has filed the present application praying therein for quashing of the entire proceeding only on technical ground, which is not at all acceptable. The prayer for quashing the same as also the order taking cognizance is, therefore, refused.

The application, accordingly, stands dismissed.

(Arvind Srivastava, J)

mcv/-

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