

IN THE HIGH COURT OF JUDICATURE AT PATNA
Election Petition No.1 of 2016

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Purushottam Kumar, son of late Om Prakash, resident of Raod No.1D,
Rajendra Nagar, P.S.- kadamkuan, Town & District-Patna.

... .. Petitioner/s

Versus

1. The Chief Election Officer, Bihar, Patna,
2. The District Election Officer-cum-District Magistrate, Patna,
3. The Returning Officer, 183 Kumhrar Assembly Election, 2015,
4. Arun Kumar Sinha, son of Not known, resident of 101, Ram Vilas
Enclave, East Lohanipur, P.S.- kadamkuan, District-Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Mritunjay Prasad Singh
For the Respondent/s	:	Mr. S.B.K. Manglam, Advocate
For Election Commission :		Mr. Siddhartha Prasad
		Mr. Om Prakash Kumar, Advocates

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

Date : 25-01-2019

This election petition has been filed by the petitioner under Section 80(A) (1)(2), 81 and Section 100(1)(d) (iii) of the Representative of the People Act, 1951 calling in question of election of Sri Arun Kumar Sinha from 183, Kumhrar Assembly Election, 2015.

The election of 183 Kumhrar Assembly constituency was held on 28.10.2015 and counting of votes was done on 8.11.2015 and thereafter results were declared on the same day.

Petitioner had also filed his nomination paper for 183 Kumhrar Constituency Assembly before the Returning



Officer and after scrutiny his nomination paper was found to be valid and altogether 34 validly nominated candidates including the petitioner and the returned candidate were left in the fray of election. Petitioner was a candidate from Akhil Bharat Hindu Mahasabha, a registered political party and he was allotted symbol of Battery Torch and respondent no.4 was a candidate of Bhartiya Janta Party and he was allotted symbol of Lotus. Electronic Voting Machines were used in this election, however, during the counting, several irregularities and discrepancies were found and several electronic voting machines were not sealed and signed by the Presiding Officer, detail of which is given in the election petition and discrepancies were brought to the notice of Returning Officer, Chief Election Officer on 09.11.2015 but no steps were taken on such complaint and, therefore, petitioner has filed this election petition to declare the election of respondent no.4 as void for improper acceptance of the EVMs.

Election petition challenging the election of respondent No. 4 was required to be filed by 02.01.2016, which was the last day for filing of Election Petition, however, same was filed beyond the limitation period on 04.1.2016 and as such was barred by limitation, accordingly, the present election



petition is dismissed being barred by limitation.

This also disposes of all the interlocutory applications filed in this election petition including I.A. No.5193 of 2018 filed on behalf of the Chief Electoral Officer, Bihar for release of EVMs.

(S. Kumar, J)

Sanjay/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	30.01.2019
Transmission Date	NA

