

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 25934 of 2021

Arising Out of PS Case No.-659 Year-2020 Thana- KANTI THARMAL POWER District-
Muzaffarpur

-
1. Ajeet Kumar, Male, aged about 58 years, Son of Late Gaya Chaudhary.
 2. Ragani Kumari @ Ragini Kumari, Female, aged about 51 years, Wife of Ajeet Kumar.
 3. Pratiyush Pranjali, Male, aged about 30 years, Son of Ajeet Kumar.
- All resident of Village and PO Madhuban, PS- Kanti, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. S B K Manglam, Advocate
For the State : Mr. Manoj Kumar, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 01-07-2021

The matter has been heard *via* video conferencing.

2. The matter has been heard out of turn on the basis of motion slip filed by learned counsel for the petitioners on 23.06.2021, which was allowed.

3. Heard Mr. SBK Manglam, learned counsel for the petitioners and Mr. Manoj Kumar, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.



4. The petitioners apprehend arrest in connection with Kanti PS Case No. 659 of 2020 dated 03.11.2020, instituted under Sections 143, 152, 186, 188, 353, 504, 506 and 171F/34 of the Indian Penal Code and 130, 131 and 132 of the Representation of the Peoples Act, 1951.

5. The allegation against the petitioners is that they went to the polling booth in question on 03.11.2020 where election was being held and had misbehaved with the police personnel and officers at the polling booth.

6. Learned counsel for the petitioners submitted that petitioner no. 1 was a candidate and when he had seen irregularities, he had tried to point it out but was prohibited by the officers and at best, there was hot discussion and with ulterior motive, this criminal case has been instituted. It was submitted that petitioners no. 2 and 3 are wife and son, respectively, of petitioner no. 1. Learned counsel submitted that neither any incident occurred nor there was any scuffle nor any injury. Learned counsel submitted that another case was also instituted on the same day, on the same booth by the Presiding Officer, in which a different story has been narrated and besides that the petitioners have no other criminal antecedent.



7. Learned APP submitted that the petitioners have tried to create nuisance at the polling booth.

8. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioners be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-II (West), Muzaffarpur in Kanti PS Case No. 659 of 2020, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973 and further, (i) that one of the bailors shall be a close relative of the petitioners, (ii) that the petitioners and the bailors shall execute bond and give undertaking with regard to good behaviour of the petitioners and (iii) that they shall co-operate with the police/prosecution and the Court. Any violation of the terms and conditions of the bonds or the undertaking or failure to co-operate shall lead to cancellation of their bail bonds.

9. It shall also be open for the prosecution to bring any violation of the foregoing conditions of bail by the petitioners, to the notice of the Court concerned, which shall take immediate



action on the same after giving opportunity of hearing to the petitioners.

10. The application stands disposed off in the aforementioned terms.

(Ahsanuddin Amanullah, J.)

P. Kumar

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