

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40127 of 2021**

Arising Out of PS. Case No.-21 Year-2021 Thana- CHAINPUR District- Kaimur (Bhabua)

Birendra Kumar Singh S/O Sheo Prasad Singh R/O Village- Ward No. 16,
Gali No. 4, Dalmianagar, P.S.- Dalmianagar, Distt.- Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dr. Kamal Deo Sharma

For the Opposite Party/s : Mr. Dilip Kumar No. 1

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

4 11-07-2022 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

Learned counsel for the petitioners undertakes to remove the defects within three weeks. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before the Bench.

The petitioners are apprehending their arrest in a case registered for the offence punishable under Sections 420, 467, 468, 120B of the Indian Penal Code.

As per the FIR, the petitioner was the Presiding Officer of booth no. 2(ka) in PACS election at Amaon where the candidate Ratnakar Singh made a complaint that against polled 1238 votes at the time of counting 1286 votes were found on which the polling booth of the petitioner was inspected and it came to light that total 304 ballet papers were used which were found in the ballot box



and for the post of Chairman total 354 ballot papers were found in the ballot box. The Presiding Officer had recorded the use of only 304 ballot papers in his diary and register from the serial no. 1 to 304 whereas unused ballot papers were recorded from the serial no. 305 to 395. For the votes polled for the post of Chairman ballot paper no. 01 to 50 were found carrying a mark different from one prescribed by the authority and though it was written that total 91 ballot papers were returned but in the statutory packet only 41 ballot papers were found. The informant Electoral Officer has mentioned that from it is apparent that the Presiding Officer had furnished wrong information and has unlawfully used 50 ballot papers without informing the Electoral Officer or any other Competent Officer and extra 50 ballot papers contained the signature of the petitioner.

It is submitted by learned counsel for the petitioner that petitioner is innocent and has been falsely implicated in this case. He submits that the petitioner has been suspended from his service by letter no. 918/Stha, Bhabua sent by the District Program Officer, Kaimur from 13.04.2021 and also initiated departmental proceeding against this petitioner. He further submits that petitioner has no criminal antecedent as stated in para-3 of this application.

Learned APP for the State opposes the prayer for



bail.

Considering the fact that the petitioner has been suspended from service, let the above named petitioner in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Chainpur P.S. Case No. 21 of 2021, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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