

IN THE HIGH COURT OF JHARKHAND, RANCHI
Cr.M.P. No. 4292 of 2022

Brahmanand Netam Petitioner
-- Versus --
The State of Jharkhand and Anr. Opposite Parties

CORAM: HON'BLE MR. JUSTICE SANJAY KUMAR DWIVEDI

For the Petitioner :- Mr. Indrajit Sinha, Advocate
Mr. Rohit, Advocate
Mr. Kumar Harsh, Advocate
Mr. Surya Prakash, Advocate
For the State :- Mrs. Nehala Shamin, Advocate

2/05.12.2022 Mr. Indrajit Sinha, the learned counsel appearing on behalf of the petitioner submits that the petitioner is the candidate at Bhanupratappur constituency where polling for bye-election is being conducted and today is the date fixed for polling and polling is already going on and the petitioner has filed the nomination and contesting the same from Bhanupratappur constituency. He submits that press-release was issued by the opponent of this petitioner on 21.11.2022 alleging that the petitioner is being wanted in one of the case at Jamshedpur. The Jharkhand police issued notice upon the petitioner on 28.11.2022 to appear on 29.11.2022. He further submits that the petitioner is not named in the F.I.R being Telco P.S.Case No.84 of 2019 corresponding to S.P.L. No.44 of 2019, pending before the learned District and Additional Sessions Judge-I, Jamshedpur. He further submits that the victim's statement recorded under section 164 Cr.P.C, however, she has not stated anything so far as this petitioner is concerned. According to him, the entire police machinery has been put in action on behalf of the Jharkhand State only with a motive that this petitioner may not be able to contest the election.

In light of the above, respondent State shall take instruction and file counter affidavit within two weeks.

Issue notice upon the O.P.No.2 by registered post with A/d as well as under ordinary process for which requisites etc. must be filed within a week.

Considering the above fact, the prayer made in the I.A. No.11130 of 2022 is allowed.

Till the next date, no coercive steps shall be taken against the petitioner in connection with Telco P.S.Case No.84 of 2019, corresponding to S.P.L. No.44 of 2019, pending before the learned District and Additional Sessions Judge-I, Jamshedpur.

The petitioner shall cooperate in the investigation.

With consent of the parties, let it appear on 16.01.2023.

(Sanjay Kumar Dwivedi, J.)

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