

ITEM NO.22

Court 6 (Video Conferencing)

SECTION X

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Writ Petition(s)(Criminal) No(s). 293/2020

ANIL KUMAR SINGH ALIA ANIL SINGH & ORS.

Petitioner(s)

VERSUS

HIGH COURT OF JUDICATURE AT PATNA THROUGH
ITS REGISTRAR GENERAL & ANR.

Respondent(s)

(FOR ADMISSION and IA No.98446/2020-EXEMPTION FROM FILING O.T.)

Date : 09-10-2020 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJAY KISHAN KAUL

HON'BLE MR. JUSTICE KRISHNA MURARI

HON'BLE MR. JUSTICE HRISHIKESH ROY

For Petitioner(s) Mr. Anoop Kr. Srivastav, AOR

Mr. O.P.Dubey,Adv.

Mr. Shatrughan Dubey,Adv.

Mr. Vijay Verma,Adv.

Mr. Vipin Kr.Saxena,Adv.

Mr. R.N.Pareek,Adv.

For Respondent(s)

UPON hearing the counsel the Court made the following

O R D E R

The writ petition has been filed under Article 32 of the Constitution of India seeking directions for the anticipatory bail application of the petitioners to be heard by the Patna High Court which is stated to be still pending.

We put to learned counsel that it is not possible to issue such directions but if the learned counsel for the petitioners seeks to address us on the anticipatory bail, he may do so. Learned counsel thereafter proceeded to address us on the plea of anticipatory bail.

We have examined the matter on merits. The dispute emanates from the disclosure of false information by the petitioner in his nomination papers submitted for General Nagar Palika elections, 2007 and those allegations were found by the State Election Commission to be correct and thus, violation of provision under Section 447 of the Bihar Nagar Palika Act, 2007 was found. The SEC in exercise of power as enunciated under Section 18(2) of the Act declared the elections void. Action was directed to be taken against the petitioners and in pursuance to the same, FIR was lodged against them under Section 447 of the said Act read with Section 420/34, IPC.

The submission of the learned counsel for the petitioners is that the petitioners are willing to join the investigation and there is no need for custodial interrogation of the petitioners.

We are unable to agree with the contention of the learned counsel for the petitioners in view of the conduct of the petitioners and the greater the office held, the greater the responsibility of the person as in the case of the petitioners. It cannot be said that the petitioners held a high office, they are *ipso facto* entitled to anticipatory bail.

In view of the aforesaid we reject the prayer for anticipatory bail and dismiss the Writ Petition making the Bail Petition before Patna High Court infructuous.

Copy of the order be sent to the Patna High Court.

Pending application shall also stand disposed of.

(ANITA MALHOTRA)
COURT MASTER

(ANITA RANI AHUJA)
ASSISTANT REGISTRAR

