

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 32874 of 2012

Arising out of P.S. Case No. -133 Year- 2011 Thana -Rajpur
District- BUXAR

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1. Suresh Singh S/o Late Kashinath Singh Resident of Village - Chini Mill, Buxar, P.S. - Buxar (Town), District – Buxar.
 2. Jamwant Singh S/o Suresh Singh Resident of Village - Chini Mill, Buxar, P.S. - Buxar (Town), District – Buxar.

.... Petitioner/s

Versus

1. The State of Bihar.
 2. Shyam Bihari Rai S/o Late Indrashan Rai Resident of Village - Kharauna, P.S. Tarari, District – Bhojpur.
 3. Prithvi Raj Singh S/o Late Kashi Nath Singh Resident of Village - Kharika, P.S. Rajpur, District – Buxar..... Opposite Party/s
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Appearance :

For the Petitioner/s : Mr. Digvijay Kumar Singh, Adv.

For the Opposite Party/s: Mr. M. Rab, APP.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 10-04-2015

The Petitioners seek quashing of the FIR of Rajpur P.S. Case No. 133 of 2011 dated 27.11.2011 by which the Chief Judicial Magistrate, Buxar has taken cognizance by its order dated 04.06.2013.

The case of the Informant is that the stolen electric wire was recovered from the house of the Petitioners.

It has been submitted on behalf of the Petitioners that they were consumers and in fact the electric pole had fallen down and, therefore, the wire was kept in their house. A certificate in this regard was also issued by the Junior Engineer, Electricity Department.

In the case diary, there is a reference that the

wire has been given to the electricity department for connection of the electric pole.

Since these are matters which can not be gone into at this stage, I am not inclined to interfere in the matter.

The Application is disposed off with liberty to the Petitioners to place all these facts at the appropriate stage upon which the Court concerned shall call for a report from the concerned authorities as to whether the wire was stolen property or not. If a positive report is received in favour of the Petitioners he shall pass appropriate order in accordance with law.

Vikash/-

(Anjana Prakash, J.)

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