

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.15442 of 2013

Arising Out of PS.Case No. -47 Year- 2012 Thana -LALGANJ District- VAISHALI(HAJIPUR)

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1. Ashish Kumar S/O Manoj Kumar Sahni R/O Village-Medhurapur, P.S.-
Lalganj, Distt.-Vaishali Minor Through His Parenet Manoj Kumar Sahni
S/O Sri Mewalal Sahni R/O Village-Medhurapur, P.S.-Lalganj, Distt.-
Vaishali Undr The Gurardiaship Of Manoj Kumar Sani, S/O Mewa Al
Sahni Petitioner

Versus

1. The State Of Bihar
2. The Bihar State Pwoer (Holding) Company Through Its Managins
Director Vidyat Bhawan Beali Road, Patna
3. Ankit Kumar, S/O Sri Bindo Kumar Singh R/O Village-Usmanchak,
P.S.-Masaurhi, Distt.-Patna At Present Posted As Assistant Electric
Engineer, Electric Supply Division, Lalganj Opposite Parties

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Appearance :

For the Petitioner : Mr. Surendra Kishore Thakur, Advocate
For the Opposite Parties : Smt. Sangita Sharma (App)

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CORAM: HONOURABLE MR. JUSTICE GOPAL PRASAD
ORAL ORDER

3 30-07-2015 Heard the learned counsel for the
petitioner and the State.

This is a petition for quashing the first
information report of Lalganj P.S. Case No. 47 of
2012 and it's entire investigation as the petitioner is
minor aged four years and has been implicated for
offences under Sections 379 of the Penal Code and
135 and 138 of the Indian Electricity Act, 2003.

The learned counsel for the petitioner,
however, submits that he is seeking for quashing the
first information report on the ground that the
petitioner is a minor aged four years and comes
under the exception of Section 82 of the Indian
Penal Code. However, the point taken by the

learned counsel for the petitioner is question of fact which can only be decided during the investigation and it is not proper at this stage to interfere with the investigation and the first information report is not only against this petitioner, alone, but against four more persons, named in the first information report regarding the theft of energy.

Hence, having regard to the fact, I do not find any merit in this petition for quashing the first information report.

This petition is **rejected**.

(Gopal Prasad, J)

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