

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.47193 of 2013

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1. Murari Pandey Son Of Late Braj Bhushan Pandey Resdient Of Chhotki Amraon, P.S.- Chand, District- Kaimur (Bhabhua).

.... Petitioner

Versus

1. The State Of Bihar.
2. Executive Engineer, Bihar State Electricity Board, Electric Supply Division, Bhabhua.
3. Assistant Engineer, Bihar State Electricity Board, Electric Supply Branch, Chand.

.... Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Sujeet Kumar Sinha

For the Opposite Party/s : Mr. Parmanand Pd.(App)

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**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER**

4 31-03-2016 Heard learned Counsel for the petitioner, learned Counsel for Opposite Party Nos. 2 and 3 and learned Additional Public Prosecutor appearing on behalf of the State of Bihar.

This application has been filed seeking quashing of the First Information Report of Bhabhua Chand Police Station Case No. 27 of 2013, disclosing commission of offence punishable under Section 135 of the Electricity Act, 2003 and Section 379 of the Indian Penal Code.

From the First Information Report, it appears that the petitioner was found committing theft of electricity by using a loop wire from L. T. line, in course of raid conducted

by the officials of the erstwhile Bihar State Electricity Board (now, South Bihar Power Distribution Company Limited), which, according to the First Information Report, caused to the Company loss to the tune of Rs. 1,01,880/-.

Learned Counsel for the petitioner has relied on a decision of this Court in the case of **Prabhash Kumar v. The State of Bihar and Another**, reported in **2010 (1) PLJR 966**, to submit that since the petitioner has deposited the amount of loss allegedly caused to the Company because of the action of the petitioner, the First Information Report needs to be quashed.

I do not find any substance in the aforesaid submission after having gone through this Court’s decision in the case of **Prabhash Kumar** (supra).

This application is accordingly dismissed.

(Chakradhari Sharan Singh, J.)

Prabhakar Anand/-

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