

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Criminal Miscellaneous No.35287 of 2014**

Arising Out of P.S.Case No. -22 Year- 2014 Thana -AMARPUR District- BANKA

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Priyambhu Singh @ Mayur Singh @ Manjur Singh son of late Triveni Singh,  
resident of village- Tiliya Pahar, P.S. Amarpur (Fullidumar), Distt. Banka

.... .... Petitioner

Versus

1. The State of Bihar
2. Sujeet Kumar, Son of Indradeo Prasad, resident of village- Gonawo, P.S. Manpur, Distt. Nalanda, at present Junior Electrical Engineer, Electricity Supply Department, Branch Amarpur, P.S. Amarpur, Banka
3. North Bihar Power Distribution Company Ltd. Trough its Managing Director.

.... .... Opposite Parties

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**Appearance :**

For the Petitioner : Mr. P.K.Singh, Advocate  
For the State : Mr. B.N.Pandey, APP  
For the Power Corporation : Mr. A.K.Ojha, Advocate  
: Mr. A.K.Karn, Advocate.

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**CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR**

**ORAL JUDGMENT**

**Date: 13-09-2017**

This application under Section 482 of the Cr.P.C. has been filed to quash the order dated 11.04.2014 passed by learned CJM, Banka in Amarpur (Fullidumar) P.S.Case No.22 of 2014 whereby and whereunder the learned Judge finding prima-facie case for the offence under Section 135 of the Indian Electricity Act ordered for issuance of summons against the petitioner.

2. Heard both sides and perused the record.

3. The Opposite Party No.2 lodged an FIR with SHO of Amarpur P.S., Banka, alleging therein that he along with other officials of Electricity Department conducted a raid and found 19



persons who are named in the FIR committing theft of energy by fixing hook in electrical wire. Accordingly, the case was registered under Section 135 of the Electricity Act against this petitioner who is cited as accused no.7 in the FIR. It appears that the raiding party seized electrical wire which was found hooked in the wire of Electricity Department. The seizure was prepared by the informant and other officials of the electricity department in presence of witnesses. The matter was investigated and police submitted charge sheet against the petitioner and other co-accused for the offence under Section 135 of the Electricity Act. The learned Magistrate finding prima-facie case has taken cognizance against the petitioner and other co-accused.

4. The defence of the accused that he is residing at different place and that the house from where the wire was seized is dilapidated and abandoned house will be seen at the time of trial.

5. In view of the above facts, I do not find any illegality requiring any interference in the impugned order.

6. Accordingly, this application is dismissed.

**(Sanjay Kumar, J)**

B.Kr./-

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