

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1250 of 2019

Arising Out of PS. Case No.-308 Year-2017 Thana- MOTIPUR District- Muzaffarpur

BANKE LAL SAH S/o Late Ram Prit Sah R/o Mohalla- Gandhi Chowk, P.S.-
Motipur, District- Muzaffarpur

... .. Petitioner

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna
2. The District Magistrate, Muzaffarpur
3. The Senior Superintendent of Police, Muzaffarpur
4. The S.H.O. Motipur Police Station, Muzaffarpur
5. The Investigating Officer of Motipur P.S.- Case No. 308/17
6. The Electricity Department through the Junior Electricity Engineer P.S.-
Motipur, Distt.- Muzaffarpur, Bihar

... .. Respondents

Appearance :

For the Petitioner : Mr.Anish Kumar, Advocate

For the Respondent-State: Mr.M. Nasrul Huda Khan, SC-1

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL JUDGMENT

Date : 02-09-2019

Defects pointed out by the stamp report are ignored.

2. Heard learned counsel for the petitioner.

3. This application under Articles 226 and 227 of
the Constitution of India has been filed by the petitioner for
quashing the first information report (for short 'FIR') of Motipur
P. S. Case No. 308 of 2017 registered under Section 135 of the
Bihar Electricity Act, 2003.



4. Learned counsel for the petitioner submitted that the allegations made in the FIR are false. The petitioner is a bona fide consumer. He was regularly paying the electricity bill against the electrical energy being consumed by him as a consumer. He contended that allowing the prosecution to continue would amount to abuse of the process of the court.

5. Per contra, learned counsel for the State submitted that there is specific allegation in the FIR, which was registered pursuant to a written report submitted by the Junior Electrical Engineer, Electricity Supply Division, Motipur wherein he has alleged that the petitioner is a consumer of North Bihar Power Distribution Company Ltd, Patna. Due to non-payment of electricity bill, the domestic connection was disconnected. On 29.08.2017, when the raiding team inspected the premises of the petitioner, it found that despite disconnection, the petitioner was consuming electricity by direct hooking from main LT line after bypassing the meter.

6. The allegations made in the FIR do attract the ingredients of the offence punishable under Section 135 of the Electricity Act, 2003. To hold investigation into a cognizable offence is the statutory right of the police.



7. In that view of the matter, neither the institution of the FIR nor its investigation can be held to be bad.
8. The application, being devoid of any merit, is dismissed.

(Ashwani Kumar Singh, J)

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AFR/NAFR	NAFR
CAV DATE	NA
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