

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6439 of 2018

Arising Out of PS. Case No.-177 Year-2017 Thana- SOHSARAI District- Nalanda

BINOD YADAV @ VINOD KUMAR S/o Mewa Lal Yadav, Resident of
Village/Mohalla- 17, Talabpur, P.S.- Sohsarai, District- Nalanda.

... .. Petitioner/s

Versus

1. State of Bihar
2. The South Bihar Power Distribution Company Ltd. Electricity Department,
Bihar, Patna.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Lal Babu Keshari, Advocate
For the Opposite Party/s	:	Mr. Khurshid Anwar, APP
For SBPDCL	:	Mr. Lokesh Kumar Singh, Asst. S.C.

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 19-01-2023 Heard learned counsel for the petitioner and the State
as also counsel for SBPDCL.

The present application is for quashing of the FIR
vide Sohsarai P.S. Case No. 177 of 2017 instituted under
sections 420, 467, 468 of the Indian Penal Code and Section 135
of the Electricity Act.

The allegation is that the petitioner was found
committing theft of electricity and was running flour mill by 5
HP motor causing loss of Rs. 3,31,008 to the South Bihar Power
Distribution Company Ltd. (henceforth 'the SBPDCL').

Learned counsel for the petitioner submits that he was
using generator set in his flour mill and never consumed the
electricity and further there was no raid or search as alleged and



only to harass him, the present FIR.

The counsel for the respondents have filed counter affidavit in which they reiterated that the petitioner was caught using electricity illegally by putting a hook on L.T. line for running his flour mill with 5 HP motor and thus 'the SBPDCL' became poorer by Rs. 3,31,008.

The further submission of the respondents is that contrary to statement made by the learned counsel for the petitioner, a raid was conducted, the same was also videographed and as it was raining on the date of raid, the motor could not be seized.

Further averment is that from the video, it is clear that he had used a hook to connect with the L.T. line for running the flour mill. The seizure list was prepared thereafter.

Taking into account the aforesaid averment of the respondents, it is certainly not a fit case for quashing of the FIR.

The petition is without merit and is accordingly dismissed.

(Rajiv Roy, J)

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