

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8083 of 2024

Arising Out of PS. Case No.-96 Year-2022 Thana- DANIYAWAN District- Patna

Jitendra Mahto @ Jitendra Prasad son of Shivjee Singh @ Shivji Mahto
Village- Kohawa Ps- Daniyawawan Dist- Patna

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The South Bihar Power Distribution Company Ltd. Through Its Managing Director, Vidyut Bhawan Patna Bihar
3. The Junior Engineer, Electricity Supply Unit Khusrupur Patna Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Anshul, Advocate Mr. Anuj Kumar
For the Opposite Party/s :		Mr. Rajendra Nath Jha Mr. Kunal Tiwary Mr. Vinay Kirti Singh

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 27-08-2024 Heard the learned counsel for the parties.

2. This is an application for quashing of the F.I.R. bearing Daniyawawan P.S. Case No. 96 of 2022 instituted for the offences under Section 135 of the Electricity Act, 2003.

3. As per the prosecution case, the petitioner is alleged to have committed theft of electricity.

4. Learned counsel for the petitioner has submitted that the allegation against the petitioner is of commission of theft of electricity whereas, the petitioner regularly received electricity bills every month in his father's name, consumer number of which is 21415220 bearing account number KBPL-



742 received a bill bearing number 202207214115220 amounting to Rs. 16,144/- in the month of June. The payment of which was duly made in December, 2022. This bill was generated even after the institution of the present case that shows that the petitioner did have a valid connection.

5. Considering the law laid down by the Hon’ble Supreme Court in the case of *M/s Neeharika Infrastructure Pvt. Ltd. Vs. State Of Maharashtra & Ors* reported in *(2020)10 SCC 118*, I am of the opinion that this is not a fit case for quashing of the F.I.R.

6. Accordingly, this application is dismissed.

(Sandeep Kumar, J)

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