

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No. 1397 of 2021

Arising Out of PS. Case No.- Year-0 Thana- District- Patna

Nagmani @ Tanik Kumar, S/o Raja Ram Prasad Sharma, R/o village-Dhanarua, P.O. and P.S.- Dhanarua, Distt.- Patna.

... .. Petitioner

Versus

1. The State of Bihar Through The Chief Secretary, Govt. Of Bihar, Patna
2. The Director General of Police, Patna
3. The Inspector General of Police, Patna
4. The Deputy Inspector General of Police, Patna
5. The Senior Superintendent of Police, Patna,
6. The Superintendent of Police (East),
7. The Chairman and Managing Director (CMD), Bihar State Power Holding Company Ltd., Patna, Vidyut Bhawan, Patna,
8. The Managing Director, South Bihar Power Distribution Company Ltd., Vidyut Bhawan, Bailey Road, Patna,
9. The Principal Secretary, Vigilance (Special) Department, Patna
10. The Chief Engineer (S.T.F.), South Bihar Power Distribution Company Ltd. Vidyut Bhawan, Bailey Road Patna,
11. The Deputy Superintendent of Police Mashaurhi, Patna
12. The Officer-In-Charge, Dhanarua Police Station, Patna
13. Ashish Kumar, Junior Electric Engineer, Electric Supply Offices, Dhanarua, S/o Not Known Bihar.

... .. Respondents

Appearance :

For the Petitioner	:	Ms. Neelam Kumari, Advocate
For the State	:	Mr. Deepak Kumar, A.C. to G.P.-4
For the Respondent No.9:	:	Mr. Rana Vikram Singh, Spl. Vigilance
For the BPHCL	:	Mr. Kumar Priya Ranjan Add. S.C.
		Mr. Sudarshan Bharadwaj, Advocate

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

7 14-11-2025 The present Criminal Writ Petition has been preferred by the Petitioner seeking direction to the State Police Authority to institute FIR against Respondent No.13, Ashis



Kumar, Junior Electric Engineer, Electric Supply Offices, Dhanarua and to initiate departmental proceeding against him for his misconduct /offence committed during raid at his home, who was a member of the raiding party constituted by the Electricity Department.

2. After examining the electricity meter of the Petitioner, all the three meters were removed and taken away by Respondent No.13, Ashis Kumar, and later on it was found that the Petitioner had not committed any theft of electricity.

3. Heard learned counsel for the Petitioner, learned State counsel and learned counsel on behalf of South Bihar Power Distribution Company Ltd.

4. Learned counsel for the Petitioner submits that Respondent No.13, Ashis Kumar has unlawfully removed the meters and he has committed offence and even committed misconduct. He has no legal sanction to do such thing. Hence, FIR should be registered against him and he should also be proceeded on administrative side by the Department to take action as per service law.

5. However, learned counsel for the South Bihar Power Distribution Company Ltd. submits that there was no illegality committed by Respondent No.13, who was an official



of the Power Company. He further submits that out of three electricity connections, one was commercial one and the other two were domestic ones and as per suspicion of the Department, the commercial one was being bypassed to use electricity for commercial purpose through domestic connection. Hence, Respondent No.13, who was leading the raiding team, had removed three meters to take them to the office for testing. However, he submits that in view of the complaint of the Petitioner, departmental show cause was issued to him and in view of his reply, the department was of the view that a minor punishment was sufficient. Departmental proceeding was not conducted because only for major punishment, departmental proceeding is required to be initiated.

6. Learned counsel for the State submits that in view of the complaint received from the Petitioner, FIR was lodged and investigation was conducted and even it was completed and allegation was found to be true. But, for want of sanction, charge-sheet could not be submitted.

7. In view of the aforesaid facts and circumstances, I find that both the prayers of the Petitioner is satisfied and if the Petitioner is still aggrieved by the action of the department on administrative side against Respondent No.13, he may pursue



other legal remedy and as far as non-filing of charge-sheet for want of sanction is concerned, he may pursue remedy as per law.

8. As such, the present Criminal Writ Petition has become infructuous.

9. Accordingly, the present Criminal Writ Petition is dismissed as infructuous, in view of the aforesaid facts and circumstances.

(Jitendra Kumar, J.)

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