

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5626 of 2024

Arising Out of PS. Case No.-742 Year-2023 Thana- SITAMARHI District- Sitamarhi

Vinay Kumar Mishra SON OF Late Vishwanath Mishra Resident Of Village-
Old Exchange Road, Ward No. 10, Bhawdepur, Sitamarhi, Ps- Sitamarhi,
Dist- Sitamarhi

... .. Petitioner/s

Versus

1. The State of Bihar BIHAR
2. Rajiv Ranjan Son Of Late Uday Pratap Singh Resident Of Village- Presently
Posted As Junior Electrical Engineer, Electric Supply Sub- Division-1,
Sitamarhi, Po And Ps- Sitamarhi, Dist- Sitamarhi

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Pushpendra Kumar Singh, Adv.
For the Opposite Party/s	:	Mr. Shreekant Sharan Siya, Adv.
For the State	:	Mrs. Pushpa Sinha, APP

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

3 10-02-2026 Heard learned counsel for the petitioner, learned
counsel for the O.P. No. 2 and learned A.P.P. for the State.

2. The petitioner has made the following prayer in this
application :-

*“That, this application on behalf of the
petitioner above named is for quashing of
the First Information of Sitamarhi P.S.
Case No.742 of 2023 dated 22.09.2023, in
respect whereof a written report was filed
by the informant Opposite-party no.2
before the Station Head Officer of
Sitamarhi Police Station attributing*



offences under Section 135 of the Electricity Act, 2003, pending in the court of learned Special Judge, Electricity, Muzaffarpur.”

3. Having heard the learned counsel for the parties and perused the record, the present case is to be a updated case of misuse of path as despite the F.I.R. stating that it was the brother of the petitioner namely, Ashwani Kumar Mishra who was found to have connected LT line despite his connection having been disconnected way back on 22.02.2023 and there was theft being committed by Ashwani Kumar Mishra but for reasons best known to the authorities in the column of the accused only the name of the Vinay Kumar Mishra is found mentioned. It has been found that the said Ashwani Kumar Mishra has also deposited the entire amount which has been brought on record through counter affidavit.

4. The submission made on behalf of the learned counsel for the petitioner that not only the case is compoundable, there is no case being made out against the petitioner and this is a fit example of abuse of the process of law by lodging a false and concocted case against the petitioner against whom even in the F.I.R., no case is being made out.

5. In view of the aforesaid settled proposition of law



as observed by the Hon’ble Supreme Court in the case of *State of Haryana and Ors. Vs. Ch. Bhajan Lal and Ors., reported in AIR 1992 SC 604*, the continuation of the criminal proceeding would amount to abuse of the process of law.

6. In view of the aforesaid submission, the order dated 22.09.2023 as well as the entire criminal proceedings arising out of Sitamarhi P. S. Case No. 742 of 2023, is, hereby, quashed as against the petitioner.

7. The application stands allowed.

(Sourendra Pandey, J)

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