

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.660 of 2022

Arising Out of PS. Case No.-113 Year-2022 Thana- CHAPRA TOWN District- Saran

Raj Kumar Singh @ Raju Kumar Singh Son of Sri Rajendra Singh, Resident of Village/Mohalla - East Rauza, Police Station- Chapra Town, District - Saran at Chapra.

... .. Petitioner

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna. Bihar
2. The Principal Secretary, Electric Department, Government of Bihar, Patna. Bihar
3. The Managing Director, NBPDC, Vidyut Bhawan, Bailey Road, Patna. Bihar
4. The Secretary of Electricity Board, Patna. Bihar
5. The Executive Engineer, North Bihar Power Distribution Company Ltd. Muzaffarpur. Bihar
6. The Sub Divisional officer, Branch Telpa Bihar
7. Sri Santosh Sawant Son of Babu Lal Goshwami Resident of Village - Dhaniya bagicha, Police Station- Delha, District - Gaya (Junior Engineer).

... .. Respondents

Appearance :

For the Petitioner	:	Mr. Sudama Kumar, Advocate
For the State	:	Mr. Subhash Prasad Singh, GP-10
For the Electricity Board :		Mr. Sanjay Kr. Giri, Advocate
		Ms. Shaambhavi Sinha, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

5 20-01-2026

Heard the parties.

2. The present petition has been filed by the petitioner seeking following reliefs:

“(i) To quash the FIR of Chapra Town P.S. Case No. 113 of 2022 dated 18.02.2022 offences under Sections 135 of the Electricity Act, 2003.

(ii) To stay the further proceeding of Special Case No. 710 of 2022, which is pending before P.O. Special Court, pesu Area, Muzaffarpur.

(iii) For direction may be given to the



respondents to provided the electricity connection and meter immediately.

(iv) Any other relief / reliefs which may be given to the petitioner which is permissible in the eyes of law.”

3. Briefly stated, the facts of the case as appears from the record are that Saran Town P.S. Case No. 113 of 2022 has been registered under Section 135 of the Electricity Act against the petitioner with an allegation that he has been committing theft of electricity by illegally tapping connection from the pole and caused loss to the electricity company to the tune of Rs. 9564/-. It is further alleged that on the premises of the petitioner, there has been earlier dues of Rs. 68,993/- for non-payment of which, the electric supply of the premises was disconnected.

4. Learned counsel for the petitioner submits that the allegations against the petitioner are concocted and false. After partition, the petitioner has constructed the house on his share of land and applied for electric connection and the connection was provided to the petitioner on 19.12.2019. The petitioner requested the Department to provide electricity meter and bill, but the electricity company did not consider his request and rather they came to the premises of the petitioner and lodged the false FIR against him. Learned counsel further



submits that petitioner is ready to pay the theft amount of Rs. 9564/-, but the same is not being considered by the Electricity Department.

5. Learned counsel appearing on behalf of the State respondent vehemently opposes the submission made on behalf of the petitioner and submits that from the bare perusal of the FIR, it is clear that the petitioner was found committing theft of electricity by tapping the electricity connection from the pole.

6. Perused the records.

7. From perusal of the records I find that petitioner is facing allegation of theft of electricity. There is no material on record to show that it is a case of malicious prosecution or the FIR has been lodged with false allegation or it is an abuse of process of law. Since no ingredients are present in terms of guidelines of *State of Haryana v. Bhajan Lal* reported in *1992 Supp(1) SCC 335* in the present case, I do not think the FIR could be quashed.

8. Therefore, finding no merit in the present writ petition, the same is dismissed.

(Arun Kumar Jha, J)

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