

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68658 of 2021

Arising out of PS. Case No.-260 Year-2013 Thana- KADAMKUAN District- Patna

Sureshwar Prasad Narayan Shahi @ Sureshwar Narayan Prasad Shahi @
Sureshwar Narayan, Son of Late R.P. Narayan Shahi, Resident of Village -
Madhaul, P.S. - Saraiya, Distt.- Muzaffarpur- 843127.

... .. Petitioner/s

Versus

The State of Bihar & Anr.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Shekhar Singh, Senior Advocate
	:	Ms. Shambhavi Singh, Advocate
	:	Mr. Avinash Kr. Singh, Advocate
For the State	:	Mr. Umesh Lal Verma, APP

CORAM: HONOURABLE MR. JUSTICE ANSUL
ORAL JUDGMENT

Date : 05-05-2026

Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks quashing of the order of cognizance dated 22.01.2021 passed by learned Special Judge, PESU Area, Patna in Special Case No. 704 of 2013 (Kadamkuan P.S. Case No. 260 of 2013) by which he has taken cognizance against the petitioner for the offences u/s 135 of the Electricity Act.

3. The allegation in the FIR is that on 22.07.2013 at 2:00 P.M. a raid was conducted in the house of the petitioner situated at Bakarganj, Patna. Fifteen meters of wire was seized. The allegation is that the petitioner was illegally getting electricity from a pole by fixing a hook of the wire. After institution of the



FIR, the police submitted final form on the ground that the distance of the house of the petitioner from the alleged pole was 100 meters and only 15 meters wire was seized. Moreover, the petitioner had paid the part of the bill till September, 2013. The learned Sessions Judge passed the order taking cognizance of 22.01.2021 without considering the aforesaid facts.

4. It is submitted by learned counsel for the petitioner that the investigation by the police is a statutory function and same cannot be brushed aside lightly. He also submits that in case once the police has submitted final form and the Magistrate has to differ with final form then he must assign reasons otherwise the same would amount to complete non-consideration of the police report which is statutory responsibility of the police.

5. Perusal of the impugned order would show that no reasons have been assigned for differing with the final form submitted by the police.

6. Learned Additional Public Prosecutor for the State has vehemently opposed the quashing of the order of cognizance dated 22.01.2021.

7. In such view of the matter, the order of cognizance dated 22.01.2021 passed by learned Special Judge, PESU Area, Patna in Special Case No. 704 of 2013 (Kadamkuan P.S. Case No.



260 of 2013) by which he has taken cognizance against the petitioner for the offences u/s 135 of the Electricity Act is quashed so far as the petitioner is concerned.

8. Accordingly, the present petition is allowed.

(Ansul, J)

Vikash/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	
Transmission Date	

