

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44576 of 2025

Arising Out of PS. Case No.-54 Year-2025 Thana- Kawaiya District- Lakhisarai

1. Santosh Kumar S/o- Late Raghu Nandan Prasad Village- Naya Bazar Behind RR Lal College PS-Kawaiya Distt- Lakhisarai
2. Rajesh Kumar S/o- Late Raghu Nandan Prasad Village- Naya Bazar Behind RR Lal College PS-Kawaiya Distt- Lakhisarai

... .. Petitioner/s

Versus

The State of Bihar Through The South Bihar Power Distribution, Patna Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Basant Kumar Singh, Advocate
	:	Mr. Manoj Kumar Singh, Advocate
For the Opposite Party/s	:	Mr. Vivek Prasad
For the SBPDCL	:	Mr. Lokesh Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 16-07-2025 Heard Mr. Basant Kumar Singh, learned counsel for the petitioners and Mr. Lokesh Kumar Singh, representing the South Bihar Power Distribution Company Limited (henceforth for short 'the Company').

2. The petitioners are apprehending their arrest in connection with Kawaiya P.S. Case No. 54 of 2025 for the offence under Sections 135 of the Bihar Electricity Act, 2003, lodged on 19.02.2025 by the informant, Shri Nishant Kumar.

3. As per the prosecution story, the informant who is official of 'the Company' upon information, raided the saw mills of the two petitioners and found revenue loss to the Rs. 9,69,420 (on petitioner no.1, Santosh Kumar) and Rs.9,70,691/- (on



petitioner no.2, Rajesh Kumar). Accordingly, the F.I.R.

4. Learned counsel for the petitioner submits that there may have been some confusion, they are law abiding citizen having no criminal antecedent and further would like to clear the entire amount but being, small businessmen, some installment may be made for their convenience.

5. Learned counsel for 'the Company' submits that upon raid, the revenue loss were detected, however, as the petitioners are ready to clear the amount, an appropriate be passed.

6. Considering the aforesaid facts and with the consent of the parties, the Court observes that:

(i) the petitioners shall be clearing Rs. 5,00,000/- each by way of Demand Draft issued by the local branch of State Bank of India addressed to the aforesaid company to be submitted at the time of filing of the bail bond before the concerned court;

(ii) the petitioners are further duty bound to clear the amount in installment of Rs. 1,00,000/- each by 15th of August, 15th of September, 15th of October and 15th of November;



2025 totaling Rs. 4,00,000/- each;

(iii) the rest of the amount of Rs.69,420/- for the petitioner no.1, Santosh Kumar and Rs.70,691/- for the petitioner no.2, Rajesh Kumar shall be cleared by 15th of December, 2025.

7. Failure to do so, 'the Company' shall be free to take steps for cancellation of their respective bail bonds. In that background, this Court is inclined to extend them the privilege of anticipatory bail.

8. Let the petitioners be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Lakhisarai, in connection with Kawaiya P.S. Case No. 54 of 2025 subject to the conditions as laid down under Section 438(2) of the Cr.P.C., as also with the following conditions:-

(i) one of the bailor should be the family member/relative of the petitioners who shall provide official document to show his/her bona fide;

(ii) the petitioners shall appear on each and every date



before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bond by the Trial Court itself;

(iii) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iv) the petitioners shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of bail bonds.

(Rajiv Roy, J)

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