

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62039 of 2025

In
CRIMINAL MISCELLANEOUS No.44576 of 2025

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

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1. Santosh Kumar S/o Late Raghu Nandan Prasad R/o Mohalla-Naya Bazar, Behind R Lal College, P.S.-Kavaia, District-Lakhisarai
 2. Rajesh Kumar S/o Late Raghu Nandan Prasad R/o Mohalla-Naya Bazar, Behind R Lal College, P.S.-Kavaia, District-Lakhisarai

... .. Petitioner/s

Versus

1. The State of Bihar
2. The South Bihar Power Distribution Company Ltd., Patna Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Shailesh Anand, Adv.
For the Opposite Party/s	:	Mr. Harendra Prasad, APP
For the SBPDCL	:	Mr. Lokesh Kumar Singh, ASC.

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

4 21-11-2025 Heard the parties.

2. That the present modification application is being filed in order dated 16-07-2025 passed in Criminal Miscellaneous Number 44576 of 2025 by this Court who has been pleased to observe as follows:--

"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.

3. A counter affidavit has come on behalf of the South Bihar Power Distribution Company Limited and paragraphs 4 to 6 read as follows:

4. That the present modification petition is not maintainable in view of the facts and circumstances of the case as the order dated 16.07.2025 has been passed with the consent of the petitioners that they would like to clear the entire amount of revenue loss caused to the company. Now, instead of making payments as per the order, the present modification petition has been filed by the petitioners.

5. That it is humbly stated that the opposite party no.2 has a revenue loss of Rs. 9,69,420/- (on petitioner no.1) and Rs.



9,70,691/- (on petitioner no.2) as per the F.I.R. The abovesaid revenue loss is due in the name of the petitioners and should have to be deposited with the company. But nothing has been paid to the company for the reasons best known to the petitioners even after consenting to pay the same before the Hon'ble Court.

6. That through the present modification petition the petitioners have brought their Income Tax return from the year 2019 to 2025. The return clearly shows their rising earnings year to year, so, the statement of the petitioners about their inability to pay the revenue loss appears to be false in view of rising income as per the Income Tax return. The petitioners have no difficulty in paying the amount.

4. This Court on 10.10.2025, as a last chance adjourned the matter to allow the petitioners to show their willingness to clear the entire amount.

5. A supplementary affidavit has been filed stating that they would like to deposit demand draft of Rs. 1,00,000/- each.

6. Learned counsel representing the company submits that against the payment of Rs. 9.69,420/- as also Rs. 9,70,691/- which were to be paid by the petitioners pursuant to the order



passed by this Court on 16.07.2025 in Cr. Misc. No. 44576 of 2025, now, they are showing a token payment of Rs. 1,00,000/- each. They have not even recorded the modalities as to how they will clear the rest of the amount

7. This Court has taken note of the fact that the Income Tax Return shows increased return every year, in that background, the contention of the learned counsel for the company that the petitioners intentionally do not want to pay the amount seems to be justified.

8. The modification petition stands rejected with a cost of Rs. 500/- each to the two petitioners. The amount has to be deposited with Patna High Court Legal Services Committee.

(Rajiv Roy, J)

Vijay Singh/-

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