

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28941 of 2015

Arising Out of PS.Case No. -26 Year- 2015 Thana -GOPALPUR District- PATNA

1. Binod Rai son of Lakhan Rai, Resident of Gopalpur Bairiya, P.S.
Gopalpur, District- Patna

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bipin Bihari Singh,
Mr. Shyama Kant Singh &
Mr. Piyush Kant Singh, Advocates

For I.O.C.L. : Mr. Jitendra Singh, Sr. Advocate &
Mr. Krishna Chandra, Advocate

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 27-07-2015 Heard learned counsel for the petitioner and the State.

Petitioner is apprehending his arrest in a case registered for the offences punishable under Section 379 of the Indian Penal Code, 15(2), 15(4) of The Petroleum and Minerals Pipelines (Acquisition Of Right Of User In Land) Act, 1962, Amended Act 2011, 3/4 of the Explosive Substance Act, 1908 and 3/4 of the Prevention of Damage to Public Property Act, 1984.

Prosecution case is that on drop of pressure of the petroleum in Petroleum Pipeline between Barauni to Patna it was found a valve being fitten in 12” pipe line connected to a storage made under the earth in a godown situate on the land

of the petitioner.

It is submitted by the learned counsel for the petitioner that the land was given on patta to Vijaya Kumar hence the petitioner has no concern with the land in question. The petitioner has not brought on record the patta to suggest the purpose of leases of the land in question.

Learned senior counsel for the I.O.C.L. submits that in the Revenue record the land is recorded in the name of the petitioner where the valve was found fitted underneath the earth on the land of the petitioner which was found shaded and under Section 16D of The Petroleum and Minerals Pipelines (Acquisition Of Right Of User In Land) Act, Amendment Act 2011, anticipatory bail is barred on mere accusation of having committed offence under sub-section 4 of Section 15 of the Act.

Section 16D reads as follows:-

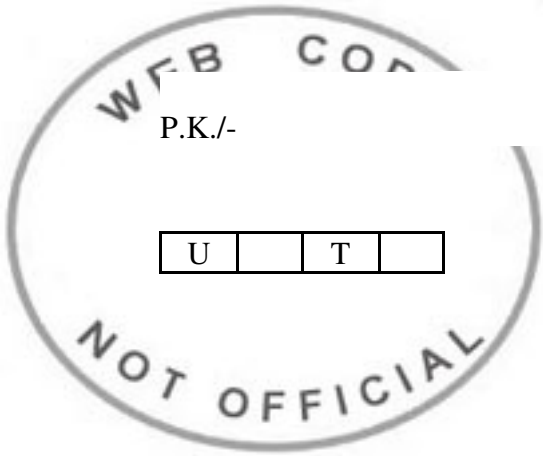
“16-D. Section 438 of the Code of Criminal Procedure, 1973 not be apply:- Nothing in section 438 of the Code of Criminal Procedure, 1973 (2 of 1974) shall apply in relation to any case involving the arrest of any person on an accusation of having committed an offence punishable under sub-section (4) of Section 15.”

Considering the above submission, this Court is convinced that this anticipatory bail application is not maintainable.

Application for anticipatory bail is dismissed.

Let the learned court below consider the prayer for

regular bail without being prejudiced by the order of this Court.



(Dinesh Kumar Singh, J)