

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.566 of 2015

Arising Out of PS.Case No. -295 Year- 2013 Thana -UDWANTNAGAR District- BHOJPUR

1. Tuntun Yadav Son of Raja Ram Yadav Resident of Village AND P.O-
Bihian,Distt.-Bhojpur(Bihar)

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar
For the Opposite Party/s : Mr. Ajay Kumar Jha(App)
For the Informant : M/s Jitendra Singh, Sr. Advocate
Krishna Chandra, Advocate

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 12-01-2015 Heard learned counsels for the petitioner and the State.

The petitioner is apprehending arrest in a case registered for the offences punishable under section 379 of the Indian Penal Code and section 15(2) and 15(4) of Petroleum and Mineral Pipelines (Acquisition of Right of user in Land) Act, 1962.

During inspection, it was found that Barauni-Kanpur Pipeline, a valve was fitted and petroleum product was being pilfered. The FIR was registered against unknown. Name of the petitioner sprang up in the confessional statements of Suman Yadav and Somaru Yadav as one of the conspirators to commit the offence.

It is submitted by learned counsel for the petitioner that the petitioner is not named in the FIR. Only suspicion has been raised and one of the co accused Madho Singh has been granted anticipatory bail vide Cr. Misc. No. 26535 of 2014.

It is submitted by learned senior counsel appearing for the informant that under section 16D of Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Amendment Act, 2011 the anticipatory bail is barred on mere accusation of having committed an offence punishable under sub-section (4) of Section 15 of the Act. Section 16D reads as follows:

“Nothing in section 438 of the Code of Criminal Procedure, 1973 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”

It is further submitted on behalf of the informant that anticipatory bail of co accused Ajay Yadav alias Ajai Yadav has been rejected vide Cr. Misc. No. 22241 of 2014.

Considering the fact that the accusation has been levelled under section 15(4) of the Act against the petitioner as during course of investigation his involvement in the alleged offence surfaced, this court

is not inclined to entertain this application. However, the learned court below will consider regular bail of the petitioner in case the petitioner surrenders within six weeks from today in connection with Udwant Nagar (Gajrajganj) P.S. Case No. 295 of 2013 pending in the court of learned C.J.M., Bhojpur at Ara.

This application is disposed of with the aforesaid observation/direction.

(Dinesh Kumar Singh, J)

Anil/-

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