

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.7937 of 2016

Arising Out of PS.Case No. -54 Year- 2015 Thana -SIMULTALA District- JAMUI

- =====
1. Bimlesh Kumar @ Vimal Kumar, son of Surendra Singh, resident of Village Bhagya Nagar, P.S. Kishni, Dist. Mainpuri (U.P.).
 2. Ravi Singh @ Ravi Kumar Singh @ Ravia, son of Pratap Singh Chauhan.
 3. Sarvesh Kumar son of Ganga Ram Sharma.
Both resident of Village Pabaya, P.S. Kishni, Dist. Mainpuri (U.P.)
 4. Arjun Singh Yadav, son of Bhajan Lal, Resident of Village Khajuria, P.S. Alau, Dist. Mainpuri (U.P.).
 5. Umedh Singh @ Umed Singh, son of Panchi Lal Yadav, resident of Village Harishchandrapur, P.S. Alau, Dist. Mainpuri (U.P.).

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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with

Criminal Miscellaneous No.10950 of 2016

Arising Out of PS.Case No. -54 Year- 2015 Thana -SIMULTALA District- JAMUI

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Karoo Mian @ Mustafa Mian son of Sultan Mian Resident of Village-
Dhodri, Police Station- Simultallah, District- Jamui.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

(In Cr.Misc. No.7937 of 2016)

For the Petitioner/s : Mr. Najmul Hoda, Adv.
For the IOCL : Mr. Jitendra Singh, Sr. Adv.
Mr. Krishna Chandra, Adv.
For the State : Mr. Md. Arif (APP)

(In Cr.Misc. No.10950 of 2016)

For the Petitioner/s : Mr. Binay Kumar, Adv.
For the IOCL : Mr. Jitendra Singh, Sr. Adv.
Mr. Krishna Chandra, Adv.
For the State : Mr. M.K. Nirala (APP)

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

for the State as also counsel for the IOCL.

In both the cases, the petitioners are seeking bail in connection with Simultalla P.S. Case No. 54 of 2015 for offence under Sections 379/511/401 of the Indian Penal Code, Section 15(2), 15(4) of the Petroleum & Mineral Pipe Line Act and Section 3/4 of the Prevention of Public Property Damage Act.

The petroleum product is very precious material for every nation. It is also called liquid gold. It is transported through pipeline. One pipeline runs from Haldiya to Barouni and another pipeline from Haldiya to Varanasi. They have been laid under the open sky. Treatment used to given to the pipeline for its protection. At Simutalla, there is a junction of both the aforesaid pipe lines. On information, the police party raided the place of occurrence and found that numbers of persons were there and they were trying to cause damage to the pipeline to commit theft the crude oil. The police party has arrested the petitioners of Cr. Misc. No. 7937 of 2016 and Cr. Misc. No. 10950 of 2016. At the place of occurrence, number of instruments were also recovered from the site such as generator, welding machine, Valve, iron rod, welding electrodes, iron disk, GI pipe, wire, wrench, packing washer etc. which was kept there for the purpose of draining out the petrol.



Looking to the importance of petroleum produce, the Parliament has enacted the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Amendment Act, 2011 wherein stringent provision has been made to protect pilferage of oil product. Section 15(2) provides that whoever willfully makes or causes to make any unauthorized connection with or removes, destroys, damages or displaces any pipeline laid under section 7, or willfully inserts any device to extract petroleum product or minerals from such pipeline, or willfully disrupts supplies being made through the pipeline, shall be punishable with rigorous imprisonment for a term which may extend to ten years and shall also be liable to fine. Sub-section 4 of Section 15 provides that whoever, with the intent to cause or knowing that he is likely to cause damage to or destruction of any pipeline laid under section 7, causes by fire, explosive substance or otherwise damage to the pipeline being used for transportation of petroleum products, crude oil or gas with the intent to commit sabotage or with the knowledge that such act is so imminently dangerous that it may in all probability cause death of any person or such bodily injury likely to cause death of any person, shall be punishable with rigorous imprisonment which shall not be less than ten years but may extend to imprisonment for life or death. Section 16(B) also



provides that when any proceeding taken under this Act, or in consequence of anything done under this Act, a question arises as to whether any petroleum produce is the property of the corporation, the court shall presume, unless the contrary is shown, that such petroleum product belongs to the corporation. Section 16C(b) provides that where the Public Prosecutor opposes the application, the court is satisfied that there are reasonable grounds for believing that he is not guilty of such offence and that he is not likely to commit any offence while on bail.

In the present case, the statement made in the First Information Report itself shows that a group of persons were found at the place of occurrence for the purpose of committing theft of crude oil and it has been mentioned in the F.I.R. that they have earlier committed such act at different places. Learned counsel for the petitioners submits that nothing was recovered from the possession of the petitioners except a mobile phone was found in their respective pockets. The petitioner Karoo Mian @ Mustafa Mian has a criminal antecedent whereas the petitioners Bimlesh Kumar @ Vimal Kumar, Ravi Singh @ Ravi Kumar Singh @ Ravia and Sarvesh Kumar have no criminal antecedent. It has further been submitted that they have been hired as a labourers by the two persons, namely, Shambhu Barnwal and

Paramveer Yadav.

Looking to the strict provisions as has been framed by the Parliament and the fact that the petitioners were found near the place of occurrence along with the instruments mentioned in the seizure list, this Court is not inclined to grant bail to the petitioners of both the cases.

Accordingly, the prayer for bail of the petitioners namely Bimlesh Kumar @ Vimal Kumar, Ravi Singh @ Ravi Kumar Singh, Sarvesh Kumar, Arjun Singh and Umedh Singh @ Umed Singh (All petitioners of Cr. Misc. No. 7937 of 2016) and petitioner, namely, Karoo Mian @ Mustafa Misan (petitioner of Cr. Misc. No. 10950 of 2016) is rejected.

However, the petitioners of Cr. Misc. No. 7937 of 2016 are given liberty to renew their prayer for bail after completion of one year of judicial custody.

(Shivaji Pandey, J)

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