

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50985 of 2017

Arising Out of PS.Case No. -132 Year- 2014 Thana -JHAJHA District- JAMUI

=====

Karu Mian @ Mustafa Mian S/o Sultan Mian, R/o Village- Dhodhari, P.S.-
Simultalla, District- Jamui. Petitioner.

Versus

1. The State of Bihar.
2. Amrendra Kumar S/o Sri Indu Bhushan Prasad, UP Pruchalan
Prabandhak, R/o Hazaribag at present Pradip Haldiya, Barauni Pipe
Line , District- Begusarai.

.... Opposite Parties.

=====

Appearance :

For the Petitioner/s : Mr. Pankaj Kumar Sinha, Adv.
For the Opposite Party/s : Mr. Chaubey Jawahar, A.P.P.
For the IOCL : Mr. Krishna Chandra, Adv.

=====

**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL**
ORAL ORDER

04 20-12-2017 Heard learned counsel for the petitioner, learned
counsel for the IOCL and learned APP for the State.

The petitioner seeks bail in Jhajha P.S. Case No. 132
of 2014 registered under Section 379/511 of the Indian Penal Code
and Section 15 (2) and 15 (4) of P.M.P. Amendment Act, 2011
and Section 3/4 of the Prevention of Damage to Public Property
Act, 1989.

As per the prosecution case, some unknown
miscreants are said to have pilfered petrol by tampering in the
pipe-line of the petroleum refinery.

It is submitted by learned counsel for the petitioner
that no incriminating article has been recovered from the



- 2 -

conscious physical possession of the petitioner. He has been falsely implicated in this case. He has no concern with the aforesaid occurrence. There is no cogent material on record indicating the complicity of the petitioner in this case barring his confessional statement given in Simultalla P.S. Case No.54 of 2015, which has no evidentiary value in the eye of law. The report regarding the stage of trial was called for from the learned trial court and it has been reported that charge has been framed on 11.10.2017 but no witness has been examined till the date of report dated 28.11.2017. The petitioner has been languishing in custody since 12.04.2016. Similarly situated co-accused, namely, Arjun Singh @ Arjun Singh Yadav and others have been enlarged on bail by a co-ordinate bench of this court in Cr. Misc. No. 39020 of 2017 vide order dated 21.08.2017.

On the other hand, it is submitted by learned counsel for the IOCL that the petitioner is a habitual offender and he is also accused in Simultalla P.S. Case No.54 of 2015 regarding pilferage of petroleum products by the petitioner. He has been convicted in the said case and the conviction has been upheld by this Court.

In the facts and circumstances of the case, the above named petitioner is directed to be enlarged on bail on



- 3 -

furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional and Sessions Judge-I, Jamui in connection with S. Tr. No.347 of 2017, arising out of Jhajha P.S. Case No.132 of 2014.

(Prakash Chandra Jaiswal, J)

Trivedi/-

U		T	
---	--	---	--

