

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2572 of 2017

Arising Out of PS.Case No. -23 Year- 2014 Thana -SIMULTALA District- JAMUI

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1. ARJUN SINGH son of Bhajan Lal, R/o village- Khajuria, P.S.- Alau, District- Mainpuri (U.P.)
 2. Bimlesh Kumar @ Vimal @ Bimlesh Singh son of Surendra Singh, R/o village- Bhagya Nagar, P.S.- Kishni, District- Mainpuri
 3. Survesh Kumar son of Ganga Ram Sharma
 4. Ravi Singh @ Ravi Kumar @ Raviya son of Pratap Singh Chauhan Both R/o village- PUwaya, P.S.- Kishni, District- Mainpuri
 5. Umedh Singh @ Umed Singh son of Panchilal Yadav, R/o village- Harish Chandrapur, P.s.- Aau, District- Mainpuri

.... Petitioners

Versus

1. State of Bihar & Anr

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pankaj Kumar Sinha
For the Opposite Party/s : Mr. Matloob Rab, APP- 34
For the I.O.C.L. : Mr. Krishna Chandra, Advocate

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 02-03-2017 Heard learned counsel for the petitioners and learned counsel representing the State.

The petitioners seek bail in connection with Simultalla P.S. Case No. 23 of 2014 registered for the offences punishable under Sections 379/511 of the Indian Penal Code, Sections 15(2), 15(4) P.M.P. (Amendment) Act, 2011 and Sections 3/4 of Prevention of Damage to Properties Act, 1984.

The D.M.O. of PHBPL, Barauni lodged this case alleging that some unknown miscreants have committed theft of oil from Pipeline near Chainej No. 390.600 Km.



Submission is of false implication merely on suspicion and on the basis of alleged confessional statement taken in connection with Simultalla P.S. Case No. 54 of 2015 the petitioners have been remanded in this case on 11.08.2016, resulting, they are in custody. There is no eye witness or material substantiating alleged theft of oil. Petitioners are neither named in the FIR nor apprehended on the spot and they have been falsely remanded in this case only on the basis of alleged confessional statement and as such they deserve sympathetic consideration.

Learned APP and learned counsel representing I.O.C. L. opposed the prayer of bail by submitting that the petitioners have confessed their guilt and in Simultalla P.S. Case No. 54 of 2015 they have been arrested with other articles.

In the facts and circumstances stated above, considering that chargesheet has already been submitted and there is no chance of tampering with the prosecution evidence, the petitioners above named are directed to be released on bail on execution of bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Jamui in connection with Simultalla P.S. Case No. 23 of 2014, subject to the conditions that one of the bailors must be a near relative and another having sufficient immovable property



within the territorial jurisdiction of the court concerned and the petitioners shall remain present on each and every date during trial and the default on two consecutive dates on their part without any reason shall disentitle the petitioners from privilege of bail.

(Jitendra Mohan Sharma, J)

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