

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29730 of 2019

Arising Out of PS. Case No.-297 Year-2018 Thana- ATHMALGOLA District- Patna

JANARDAN SINGH S/o Ram Swarath Singh R/o village- Chanda, P.S.-
Athmal Gola, District- Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Dilip Kumar Diwakar S/o Ram Chandra Prasad R/o village- Raja Parsaoni, P.S.- Raja Parsaoni, District- Sitamarhi, presently posted as manager Operational, Barauni, Kanpur Pipeline Indian Oil Corporation Ltd, Barauni Oil Refinery, District- Begusarai, Pin- 851114

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr. Prabhat Kumar Singh, Advocate
		Mr. Bijay Kumar Dubey, Advocate
For the State	:	Mr. Rajesh Kumar, APP
For IOCL	:	Mr. Krishna Chandra, Advocate

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

5 27-09-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in Athamalgola P.S. case No.297 of 2018 registered under Sections 15(2), 15(4) of Petroleum and Minerals Pipeline Act, 1962, Amendment Act 2011, Sections 03/04 of Explosive Substance Act, 1908 and 03/04 of Prevention of Damage to Public Property Act, 1984, pending in the court of Sub Divisional Judicial Magistrate, Barh.

Allegation is that unknown miscreants had stolen petrol from Barauni Kanpur pipeline and caused loss to the



government.

It has been submitted on behalf of the petitioner that the petitioner is in custody since 05.12.2018. Charge sheet has been submitted in this case. There is no allegation of tampering of witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case. The petitioner is not named in the F.I.R. His name has transpired in this case merely on the basis of C.D.R. report, from which it was located that the petitioner was present at the place of occurrence, from where petrol was being stolen by the accused persons. Except for this, there is no other substantive evidence to suggest the implication of the petitioner in this case.

Counsel for the Indian Oil Corporation Limited submits that the name of the petitioner has come in course of investigation. On the basis of C.D.R. report, he was also found present at the place of occurrence, from where petrol was being stolen by the accused persons. Instruments used for committing the theft were also recovered. The petitioner was taken into police custody, but he managed to escape from the local Police Station. The petitioner has got as many as seven criminal cases pending against him.

Considering the aforesaid facts and circumstances, I



am not inclined to grant bail to the petitioner **at this stage**. The
same is rejected.

(Sudhir Singh, J)

Narendra/-

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