

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.35968 of 2022**

Arising Out of PS. Case No.-29 Year-2022 Thana- JHAJHA District- Jamui

Md. Mustafa Ansari @ Karoo Ansari Son Of Late Sultan Ansari, R/O Village-  
Dhondhari, P.S.- Simultala, District- Jamui

... .. Petitioner/s

Versus

Indian Oil Corporation Through Union Of India New Delhi

... .. Opposite Party/s

**Appearance :**

|                          |   |                                  |
|--------------------------|---|----------------------------------|
| For the Petitioner/s     | : | Mr. Pankaj Kumar Sinha, Advocate |
| For the Informant        | : | Mr. Uday Bhan Singh, Advocate    |
| For the Opposite Party/s | : | Mr. Krishna Chandra, APP         |

**CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN**  
**ORAL ORDER**

3      18-10-2022                      Let the defect(s), if any, be removed within two weeks  
from today.

Heard learned counsel for the petitioner and learned  
A.P.P. for the State.

The petitioner seeks regular bail in connection with  
Jhajha P.S. Case No. 29 of 2022 lodged under Sections 15(2),  
(4) of PMP Act, 1962 & Amendment Act, 2011, section ¾  
Explosive Substance Act and Section ¾ Prevention of Damage  
to Public Property Act, 1984.

As per the allegation, the suspicion has been casted  
against the present petitioner that he is involved in theft of crued  
oil of Indian Oil Corporation from the PHBPL *Tail Pipe* Line  
near Deepal Pahari, Jhajha.

Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence. He further submits that nothing was recovered from the possession of the petitioner. He also submits that sign of theft are there but who has committed theft, that evidence is no where in the F.I.R. Learned counsel further submits that petitioner was arrested only and only on the basis of suspicion due to the reason that there are in total 18 criminal cases of similar nature is pending against him. Learned counsel further submits that petitioner is in custody since 29.01.2022 and charge sheet has already been filed in this case. He further submits that no offence is made out under the above PMP Act, 1962, neither any offence under Explosive Substance Act nor Prevention of Damage to Public Property Act, 1984 has made out against him. Learned counsel further submits that since there is no ingredients of PMP Act and therefore, onus is not also on him rather it is on prosecution that theft of the petroleum product takes place. The present petitioner was arrested because he is in custody in 18 similar type of cases.

Learned counsel for the State opposes the prayer for bail and submits that antecedent of the petitioner is not clean.

Learned counsel for the Indian Oil Corporation

submits that from the case diary and the materials available of the investigation, it transpires that the theft of oil was made but the oil which was subject to theft, was not recovered nor any person who has committed theft has been arrested.

In the present facts and circumstances that neither the theft article nor any person doing theft are caught, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Jamui in connection with Jhajha P.S. Case No. 29 of 2022, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioner shall support in trial and shall appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall be resulted into cancellation of his bail bond.

B. One of the bailors shall be close relative who shall file an affidavit before the court about his relationship with the petitioner.

C. The petitioner shall file an affidavit at the time of furnishing of bail bond that he shall not involve in such criminal

activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of his present bail bond.

Speedy trial is the constitutional vision of justice. Admittedly, there are 19 criminal cases of similar nature is pending against the present petitioner and all are of similar nature and they are sessions triable in nature, out of 19 cases, 9 cases belong to the District and Sessions Judge, Jamui which are as follows :-

1. Jhajha P.S. Case No. 90 of 2014,
2. Jhajha P.S. Case No. 91 of 2015,
3. Simultalla P.S. Case No. 23 of 2014,
4. Simultalla P.S. Case No. 12 of 2012,
5. Jhajha P.S. Case No. 117 of 2013,
6. Jhajha P.S. Case No. 12 of 2014,
7. Jhajha P.S. Case No. 244 of 2014,
8. Jhajha P.S. Case No. 132 of 2014,
9. Jhajha P.S. Case No. 29 of 2022

Let the District and Sessions Judge, Jamui is directed to do the needful, so that all the cases which are magisterial triable or sessions triable prior to commitment shall run before one Magistrate with one date and the cases which are sessions

triable after commitment shall run before one sessions court  
with one date.

Let the copy of this order be communicated to the  
District and Sessions Judge, Jamui for his information and  
necessary compliance.

With these observations, the bail application stands  
allowed.

**(Dr. Anshuman, J.)**

ravishankar/-

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