

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20926 of 2023

Arising Out of PS. Case No.-198 Year-2017 Thana- NAUBATPUR District- Patna

Ashok Kumar Saxena @ Ashok Kumar Yadav @ Master, Son Of Fulchand Yadav, Resident Of Village - Vikash Vihar Colony Dhanaut, P.S. - Rupaspur, Distt. - Patna, Bihar

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N.K. Agrawal, Sr. Advocate Mr. Kumar Rajdeep, Advocate Mr. Arvind Kumar, Advocate
For the Opposite Party/s :		Mr. Nand Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 17-05-2023 Heard learned counsel for the petitioner and learned APP for the State.

2. In the present case, the petitioner seeks bail in connection with Naubatpur P.S. Case No. 198 of 2017 registered for the alleged offences under Sections 15(2) and 4 of the Petroleum Minerals Pipeline (Acquisition of Right of User in Land) Amendment Act, 2016, Section ¾ of Explosive Act and Section ¾ of the Damage to Public Property Act, 1984.

3. As per prosecution case, informant received information about pressure drop in Patna-Mugalsarai Section in the pipeline of Indian Oil Corporation Limited. On reaching the spot, they found that the oil was being pilfered by unknown persons from the pipeline of the Indian Oil Corporation Limited. During investigation the name of the petitioner surfaced as the



person who was involved in this act.

4. Learned senior counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Nothing was recovered from the person or possession of this petitioner much less any petroleum product. During investigation police used dog squad and the dog reached a godown which was stated to have been taken on rent by this petitioner but no recovery was made from the said godown and the petitioner has not taken any godown on rent as alleged. Co-accused Nanhu Yadav was arrested as pipeline of the Indian Oil Corporation Limited was passing through the field of Nanhu Yadav and it was found damaged in his field but he has been granted bail by a Co-ordinate Bench of this Court vide order dated 05.02.2018 passed in Cr. Misc. No. 57211 of 2017 Learned counsel further reiterated that no petroleum product was recovered from this petitioner. Petitioner is in custody since 31.01.2023 and charge-sheet has been submitted. Petitioner is having clean antecedent.

5. Learned APP opposes the prayer for bail submitting that during investigation the petitioner was arrested as the dog squad reached the place where the petitioner has kept petroleum product.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the lack



of substantive material against the petitioner and also that no recovery has been shown from this petitioner and further considering the clean antecedent of the petitioner along with his period of custody and submission of charge-sheet, the petitioner above named is directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-I, Danapur, Patna/concerned court in connection with Naubatpur P.S. Case No. 198 of 2017, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bonds of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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