

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50207 of 2024

Arising Out of PS. Case No.-73 Year-2024 Thana- BAKHTIYARPUR District- Patna

Manish Kumar Son of Sukram Yadav Resident of Vill- Biskurwa, P.S.- Belchhi, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 51880 of 2024

Arising Out of PS. Case No.-73 Year-2024 Thana- BAKHTIYARPUR District- Patna

- 1. Sudarshan Lal Son Of Shailendra Kumar Resident of Village - Oli Bigha, P.S.- Chandi, Distt.- Nalanda
- 2. Pramod Kumar Son Of Surendra Prasad Resident of Village - Oli Bigha, P.S.- Chandi, Distt.- Nalanda

... .. Petitioner/s

Versus

- 1. The State of Bihar
- 2. Indian Oil Corporation, Barauni Oil Refinery

... .. Opposite Party/s

Appearance :
(In CRIMINAL MISCELLANEOUS No. 50207 of 2024)
For the Petitioner/s : Mr. Ashok Kumar Choudhary, Sr. Advocate
Mr. Ahshansh Ankit, Advocate
For the State : Mr.Dr. Ajeet Kumar, APP
For the IOC : Mr. Raj Kumar, Advocate
Mr. Rajnish Kumar, Advocate
Mr. Pratik Kumar, Advocate
(In CRIMINAL MISCELLANEOUS No. 51880 of 2024)
For the Petitioner/s : Mr.Ashok Kumar Kashyap, Advocate
For the State : Mr.Satya Nand Shukla, APP
For the IOCL : Mr. Raj Kumar, Advocate
Mr. Rajnish Kumar, Advocate
Mr. Pratik Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER



for the State and learned counsel appearing on behalf of Indian Oil Corporation Limited.

2. In the present case, the petitioners seek bail in connection with Bakhtiarpur P.S. Case No. 73 of 2024, registered on 11.02.2024 for the alleged offences under Sections 379, 285, 411, 427, 440, 120B/34 of the Indian Penal Code, Sections 15(2), 15(4), 16 of Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962, Sections 3/4 of Explosive Substances Act, Sections 3/4 of Prevention to Damage of Public Property Act and Section 7 of Essential Commodities Act.

3. As per prosecution case, unknown thieves committed theft of petroleum product from the IOCL pipeline by tampering with the pipeline from Barauni to Patna. The name of the petitioners transpired during investigation for being involved in such crime.

4. Learned senior counsel appearing on behalf of petitioner Manish Kumar submits that he has been falsely implicated in this case. The name of the petitioner transpired in this case on the basis of confessional statement of co-accused Sudesh Kumar in Athmalgola P.S. Case No. 45 of 2024. Nothing incriminating has been recovered from the person or possession



of the petitioner. No substantive material came up during investigation showing the involvement of the petitioner. Learned senior counsel further submits that the petitioner has been made accused in altogether 9 cases but all the cases have been registered after arrest of the petitioner in Athmalgola P.S. Case No. 45 of 2024 and the implication of the petitioner in altogether 9 cases shows the highhandedness of the police and biasness towards the petitioner. The petitioner has been remanded in this case on 12.03.2024 and charge sheet has been submitted.

5. Similar argument has been advanced by learned counsel appearing on behalf of petitioners Sudarshan Lal and Pramod Kumar. Learned counsel further submits that nothing incriminating has been recovered from the person or possession of the petitioners. The petitioners have also been made accused in altogether 10 cases which shows the highhandedness of the police after the petitioners were arrested in Athmalgola P.S. Case No. 45 of 2024. The petitioners have been remanded in this case on 12.03.2024 and charge sheet has been submitted.

6. Learned APP as well as learned counsel appearing on behalf of Indian Oil Corporation Limited vehemently oppose the submission made on behalf of the petitioners. Learned



counsel appearing on behalf of Indian Oil Corporation Limited submits that the rejection order shows some machinery have been recovered from the petitioner Manish Kumar. Learned counsel further submits that the petitioners are habitual offenders and committed theft of the petroleum product from the pipeline of Indian Oil Corporation Limited.

7. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the lack of substantive material showing the involvement of the petitioners with the offence as alleged and further considering the period of custody of the petitioners and submission of charge sheet, the petitioners above named are directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-III, Barh, Patna/concerned Court in connection with Bakhtiarpur P.S. Case No. 73 of 2024, 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 petitioners.
- (ii) The petitioners 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 petitioners will be liable to be cancelled by the court concerned.

However, the learned trial court will verify about the recovery from the petitioners and if it is found that the recovery has been made from the petitioners then bail bonds will not be accepted.

(Arun Kumar Jha, J)

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