

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35318 of 2025

Arising Out of PS. Case No.-3 Year-2024 Thana- SALIMPUR District- Patna

Md. Dawloo S/O Md. Jamal Village- Noorsarai Bazar Sah Salempur, P.S.-
Noorsarai, District- Nalanda

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Anil Kumar Singh, Adv.
For the Opposite Party/s	:	Mr.Parmeshwar Mehta, APP
For the IOCL	:	Mr. Raj Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 30-07-2025 Heard learned counsel for the petitioner, learned counsel appearing for the Indian Oil Corporation Limited (hereinafter referred to as the 'IOCL) and learned A.P.P. for the State.

2. The petitioner seek bail in connection with Salimpur P.S. Case No. 03 of 2024 dated 09.01.2024 registered for the offences punishable under Sections 379 read with 511, 427, 285, 120B of the I.P.C., 15(2), 15(4) of the Petroleum and Minerals Pipe Line (Acquisition of Right of user in land) Act, 1962, ¾ of the Explosive Substance Act, 1908, ¾ of the Prevention of Damage of Public Property Act and 7 of the E.C. Act.

3. As per the prosecution case, the informant gave information to the I.O.C.L. officer that the pipeline of Paradeep-Haldiya-Barauni-Motihari, has been damaged and smell is



coming through the land, upon which, the I.O.C.L. officer went to Saidpur village and found leakage in the pipe line. The LPG is a highly flammable and explosive gas. The I.O.C.L. officer with the help of the workers started digging the land and found that quoting was removed on 12” pipeline and in its place, 2” valb of Daya and drilling assembly was pasted after doing flange nipple welding. It is further alleged that some unknown miscreants damaged the LPG Pipeline for the purpose of theft. The I.O.C.L. is a part of Maharatna Company which is an undertaking of Government of India and through the pipeline highly flammable petroleum has been blowing.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in the present case. It is further submitted that the petitioner is not named in the F.I.R. It is further submitted that the petitioner has been remanded in Athmalgola P.S. Case No. 45 of 2024 in which they confessed the alleged offence which has got no evidentiary value in the eyes of law. Except his confessional statement, there is no other substantive evidence to suggest his implication in the alleged offence. No incriminating article has been recovered from his possession. The alleged occurrence took place on 02.01.2024 and the F.I.R. has been lodged on



09.01.2024 and the delay in lodging of the F.I.R., has not been explained by the prosecution. The petitioner has no concern with the alleged offence. The charge sheet has been submitted in the present case. The petitioner has nine criminal antecedents as stated in paragraph no. 3 of the bail application. The petitioner is in custody in this case for more than one year i.e., 22.03.2024. The co-accused person has already been granted regular bail by this Court vide order dated 28.03.2025 passed in Cr. Misc. No. 46393 of 2024.

5. Learned A.P.P. for the State and learned counsel appearing for the I.O.C.L. have vehemently opposed the prayer for bail petition of the petitioner by submitting that the present case is related to complicity of the organized crime of committing theft/pilferage of massive quantity of petroleum product of the value of several crores which gets transported through the wide pipeline maintained by the I.O.C.L. The petitioner and other accused persons have tried to commit theft of the petroleum product by puncturing the wide pipeline which is government property and thereafter by putting/installing clamps/bulbs etc., upon the same stilling/pilfering the petroleum products from the pipeline. It is further submitted that the prayer for regular bail of the other co-accused person, Manish Kumar,



has already been rejected by another Co-ordinate Bench of this Court vide Cr. Misc. No. 49115 of 2024 under order dated 24.07.2024. Therefore, the petitioner is not entitled to get bail as they directly involved in the offence of theft, pilferage of petroleum product by cutting the wide pipeline is very serious and vage offence as the ignition/spark from the valves/clamps would have cause fire and imaginable gross of life and property.

6. Considering the aforesaid facts and circumstances of the case as well the period of custody i.e., more than one year, let the above named petitioner, be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the learned J.M. Ist Class, Barh, Patna in connection with Salimpur P.S. Case No. 03 of 2024 with following conditions:-

- (i). The petitioner is directed to remain physically present before the learned court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bonds of the petitioner are liable to be cancelled.
- (ii). The petitioner is directed to co-operate in the trial before the learned court below.



7. The application stands allowed.

(Chandra Prakash Singh, J)

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