

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46393 of 2024

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

1. Sudarshan Lal, aged about 22 years, Male, Son of Shailendra Kumar, R/O Vill.- Oli Bigha, P.S.- Chandi, Dist.- Nalanda.
2. Aryan Raj, aged about 21 years, Male, Son of Prem Kumar, R/O Vill.- Oli Bigha, P.S.- Chandi, Dist.- Nalanda.
3. Pramod Kumar, aged about 20 years, Male, Son of Surendra Prasad, R/O Vill.- Oli Bigha, P.S.- Chandi, Dist.- Nalanda.

... .. Petitioners

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr. Ashok Kumar Kashyap, Advocate
For the IOCL : Mr. Raj Kumar, Advocate
For the Opposite Party : Mr. Parmeshwar Mehta, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

4 28-03-2025 Heard learned counsel for the petitioners, 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 petitioners 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 wielding. 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 petitioners has submitted that the petitioners are innocent and have falsely been implicated in the present case. It is further submitted that the petitioners are not named in the F.I.R. It is further submitted that the petitioners have 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 their confessional statement, there is no other substantive evidence to suggest their



implication in the alleged offence. No incriminating article has been recovered from their 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. They have no concern with the alleged offence. The charge sheet has been submitted in the present case. The petitioners have eight criminal antecedents and in seven cases, he is on bail as stated in paragraph no. 3 of the bail application. The petitioners are in custody in this case for more than one year i.e., 22.03.2024.

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 petitioners. In compliance of the order dated 28.01.2025, passed by this Court, learned counsel for the I.O.C.L. has filed a counter affidavit on behalf of the I.O.C.L. and has submitted that after investigation, police submitted charge sheet against the petitioners and other accused persons. He further submits that the petitioners were arrested at the place of occurrence and they confessed their guilt and mobile phones and other equipment used in the alleged occurrence were recovered from the alleged place of occurrence. He further submits that the petitioners have nine criminal antecedents of



similar nature whereas in paragraph no. 3 of the bail petition they have mentioned eight criminal antecedents and they have suppressed one case i.e., Khusrupur P.S. Case No. 436 of 2023 but learned counsel for the IOCL has not annexed the certified/xerox copy of the said F.I.R. with the counter affidavit. He further submits 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.CL. The petitioners 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 petitioners are 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 petitioners, be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) each 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 further condition:-

I. The petitioners are 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 petitioners are liable to be cancelled.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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