

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85997 of 2024

Arising Out of PS. Case No.-85 Year-2022 Thana- JHAJHA District- Jamui

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Arun Yadav Son of Jagdish Yadav R/o - Harvanshpur, P.S - Chanan, District –
Lakhisarai at present Resident Bodhwan Talab, P.S And District - Jamui

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Manager of Indian Oil Corporation, Paradip Haldiya Barauni Pipeline,
Barauni Refinery, Begusarai

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Y.C. Verma, Sr. Advocate Mr. Pramod Kumar, Advocate
For the State	:	Mr. Ram Bilash Roy Raman, APP
For the IOC	:	Mr. Raj Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

4 13-05-2025 Heard learned senior counsel for the petitioner,

learned counsel for the Indian Oil Corporation and learned

A.P.P. for the State.

2. The petitioner seeks bail in connection with Jhajha
P.S. Case No. 85 of 2022, dated 12.03.2022, instituted for
offences punishable under Sections 15(2) and 15(4) of the
Petroleum and Minerals Pipelines Act, 1962, read with Section
3/4 of the Prevention of Damage to Public Property Act and
Section 3/4 of the Explosive Substances Act.

3. The prosecution case, in brief, is that on 12.03.2022
at around 01:00 A.M., the informant noticed that the oil pressure



had dropped, making him suspect that oil was being stolen from the pipeline. He immediately informed the Station House Officers (S.H.Os) of Jhajha, Simultala, and Gidhaur Police Stations. Acting upon this information, the S.H.O., Jhajha proceeded to Barajor village to verify the complaint. When the S.H.O. arrived at the spot, he found a tanker with registration number NL-01AAD/3328 and a Bolero vehicle without a registration number standing near the pipeline. A plastic pipe was connected to the main pipeline, indicating that oil was being taken without permission. At the scene, two persons were apprehended, who disclosed their name as Rakesh Vishwakarma and Karan Sharma @ Ajay Sharma. The S.H.O. informed the informant of the situation. The informant reached the place of occurrence at about 8:00 A.M. and found that the two accused persons had been caught red-handed committing theft of crude oil from the Paradip-Haldia-Barauni (Begusarai) pipeline. The police arrested the accused at the spot and seized the vehicles and articles used in the commission of the offence. A seizure list was prepared in accordance with law.

4. Learned senior counsel appearing for the petitioner submits that the petitioner is innocent and he has been falsely implicated in the present case. It is submitted that two persons,



namely Rakesh Vishwakarma and Karan Sharma @ Ajay Sharma, were apprehended at the place of occurrence and disclosed the name of the petitioner during the investigation. It is further submitted that two vehicles, i.e., an Ashok Leyland tanker bearing registration number NL-01AAD/3328 and a Bolero vehicle bearing registration number JH10 BV 5037, were seized from the spot. However, the petitioner has been wrongly identified as the owner of the Bolero vehicle. This fact has been explained in paragraph 52 of the case diary, which clearly states that the Bolero is registered in the name of one Anil Kumar Pandey, son of Suray Kumar Pandey. The petitioner has made the same statement in paragraph 11 of his bail application, where he clearly denies possession of the said vehicle and asserts that it belongs to Anil Kumar Pandey. Learned senior counsel further submits that no incriminating material has been recovered either from the petitioner's house or from his possession that could connect him to the commission of the alleged offence. The petitioner has no knowledge or involvement in the alleged theft of crude oil. It is also submitted that the petitioner has been in custody since 03.07.2024. It is further submitted that 12 criminal cases are pending against him, three of which relate to similar offences. In all those cases,



the petitioner has already been granted bail, except in Jhajha P.S. Case No. 248 of 2021. In the present case, the charge sheet has been submitted, and charges were framed on 24.01.2023.

5. Learned counsel for the Indian Oil Corporation (IOC) and the learned Additional Public Prosecutor (APP) for the State have vehemently opposed the petitioner's prayer for bail. It is submitted that the petitioner absconded after committing the offence, leading to the separation of his case. The apprehended accused persons, namely Rakesh Vishwakarma and Karan Sharma @ Ajay Sharma, were subsequently convicted in this case. However, they were granted bail by this Court in an appeal. Further submission is that the petitioner is a habitual offender, with 12 criminal cases pending against him, three of which are of a similar nature.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-VI, Jamui, in connection with Sessions Trial No. 463 of 2024 arising out of Jhajha PS Case No. 85 of 2022 subject to the following condition: (i) that the petitioner shall co-operate in the



trial and shall be properly represented on each and every date fixed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below, (ii) that one of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife, (iii) that the bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse, (iv) that if the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail (v) that the petitioner will appear before the SHO of Jamui PS every fortnightly to mark his attendance till conclusion of the trial.

7. The application stands allowed.

(Khatim Reza, J)

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