

In the Court of Addl. Sessions Judge-I, Danapur

(Present:- Sri Bhupendra Singh, Addl. Sessions Judge, Danapur)

B.P. No. 773 of 2024

(Arising out of Naubatpur P.S. Case No. 759 of 2023)

1. Aryan Raj, son of Prem Kumar,
 2. Sudarshan Lal, son of Shailendra Prasad Yadav,
 3. Pramod Kumar, son of Surendra Prasad,
- All Resident of Village- Olibigha, Police Station- Chandi, District- Nalanda.

..... Petitioners.

Versus.

The State of Bihar.

..... Opp.Party.

Learned counsel for the petitioner	:-	Sri Mithilesh Kumar, (Advocate)
Learned counsel for the informant	:-	Sri Raj Kumar, (Advocate)
Learned counsel for the State	:-	Sri Shiv Kumar Yadav (A.P.P.)

ORDER.

06-09-2024. This Regular Bail petition has been filed on behalf of the above-named petitioners who are in Judicial custody since 06-07-2024 and 20-07-2024 in connection with Naubatpur P.S. Case No. 759 of 2023 registered under section 285, 379, 427, 120(b) of the I.P.C., section 15(2), 15(4) of the Petroleum and Mineral Pipeline Act 1962 (Amendment Act 2011), section 3/4 of Explosive Substance Act, section 7 of E.C. Act and section 3/4 of prevention of damage to public property Act, pending in the court of learned A.C.J.M.-VI, Danapur.

It is submitted that earlier no any bail petition has been filed on behalf of the petitioners either for grant of regular or anticipatory bail before this learned court or before the Hon'ble High Court, Patna and it is the first bail application of the petitioners and except this petition no any bail petition of the petitioners is pending in any court. It is further submitted that the petitioners are innocent and have committed no any offence as alleged. The petitioner is not named in the F.I.R. and there is no eye witness of the occurrence. Nothing has been recovered from the possession of the petitioner. There is no material or any evidence to implicate the petitioner in this case. There is no specific allegation against the petitioner. The petitioner No. 1 Aryan Raj is in custody since 20-07-2024 and the petitioner Sudarshan Lal and Pramod Kumar is in custody since 06-07-2024. Hence, they may be enlarged on bail.

Learned Addl. P.P. and Id. counsel for the informant vehemently opposed the payer for bail.

As per F.I.R., on 27-10-2023, during patrolling by the DGR patrolling of I.O.C. at village Rauniya. It was found that there was wet mud over the Barauni-Kanpur Pipeline and D.G.R., supervisor was informed and on information, the I.O.C. officials reached there and on digging, it was revealed that coating was removed from the said pipeline and two valves were implanted on the said pipeline through welding etc. and a flexible hose pipe 25 meters long, fixed with the said valve was also found lying below six feet below

In the Court of Additional Sessions Judge-I, Danapur

(P.O.:- Sri Bhupendra Singh, Addl. Sessions Judge, Danapur.)

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the surface and using the same, the unknown miscreants were stealing the oil from the said pipeline. There was high risk of explosion by the said act and the loss to the resources of the Nation was also caused. As per written report of the informant operation manager of I.O.C., Barauni-Kanpur Pipeline, the F.I.R was lodged against unknown under section 285, 379, 427, 120(b) of the I.P.C., Section 15(2), 15(4) of the Petroleum and Mineral Pipeline Act 1962 (Amendment Act 2011), section 3/4 of Explosive Substance Act, section 7 of E.C. Act and section 3/4 of prevention of damage to public property Act.

Perused the case diary. On perusal of the same, it transpires that the prosecution version finds support from it. It further transpires that during investigation the petitioner and other co-accused were apprehended while stealing oil from I.O.C. Pipeline in Atmalgola P.S. Case No. 45 of 2024 and the petitioner No. 1 confessed his involvement in the alleged occurrence of the instant case also. Section 16-C of Petroleum and Mineral Pipelines (Accusation of Right of User in Land) Act 1962 provides that no person accused of an offence punishable under sub section (4) of section 15 shall, if in custody, be released on bail or on his own bond unless the court is satisfied that there are reasonable grounds for believing that he is not guilty of such offence and that he is not likely to commit any offence while on bail. It further transpires that after investigation the charge-sheet has been submitted against the petitioners and other co-accused under section 285, 379, 427, 120(b) of the I.P.C., section 15(2), 15(4) of the Petroleum and Mineral Pipeline Act 1962 (Amendment Act 2011), section 3/4 of Explosive Substance Act, section 7 of E.C. Act and section 3/4 of prevention of damage to public property Act. It is submitted and disclosed on behalf of the petitioners that they are also an accused in Salempur P.S. Case No. 292 of 2023, 03 of 2024, Khusrupur P.S. Case No. 416 of 2024, Athmalgola P.S. Case No. 45 of 2024, Pandarak P.S. Case No. 09 of 2023, 10 of 2024, Barh P.S. Case No. 584 of 2023, 50 of 2024 and Bakhtiyarpur P.S. Case No. 73 of 2024.

Having considered aforesaid including the nature of allegations against the petitioners, the gravity of the offence and the long criminal antecedents of the petitioner of similar nature, I am not inclined to enlarge the above-named petitioners **Aryan Raj, Sudarshan Lal and Pramod Kumar**, on bail. Accordingly, the prayer of bail of the petitioner is hereby **rejected**.

(Dictated)

Sd/-

(Bhupendra Singh)

Addl. Sessions Judge-I, Danapur.