

JHJM010001052025



In the Court of Principal Sessions Judge, Jamtara
Present - Radha Krishan
Principal Sessions Judge,
Jamtara

Jamtara, Dated, the 24th day of July, 2026.

Sessions Trial No. 12 of 2025
(CNR No. JHJM01-000105-2025)
(Arising out of supplementary case record of Jamtara P.S. Case No. 23/2017 corresponding to G.R. Case No. 170B/2017 committed by Ld. CJM, Jamtara.)

Complainant	Sate of Jharkhand through Kumod Kumar Gupta
Represented by	Smt. Soni Kumari, Ld. Addl. P.P.
Accused	1. Sahabuddin Ansari , aged about 50 years, S/o Late Anaul Ansari, R/o mouza Dihari, P.S. Narayanpur, District Jamtara.
Represented by	Sri Umesh Singh, Ld. Advocate.

Annexure-II

Date(s) of Offence	06.02.2017
Date of FIR	08.02.2017
Date(s) of Charge sheet	Supp. Charge sheet vide no. 20/2023, dt. 18.02.2023.
Date(s) Framing Charges In case charge is framed or altered in more than one day than specifically it is to be mentioned on which date charge is framed against which accused	17.07.2025
Date of Commencement of evidence	01.06.2026
Date on Judgment is reserved	23.07.2026
Date of the Judgment	24.07.2026
Date of Sentencing Order, if any	
Date of uploading judgment	24.07.2026

Accused Details:

Rank of the Accused	Name of the Accused	Date of Arrest/ Surrender	Date(s) of Released on Bail	Offences charged with	Whether Acquitted or Convicted	Sentence imposed	Period of Detention undergone during Trial for purpose of
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							Section 428, Cr.P.C.
A-1	Sahabuddin Ansari	19.07.22	26.08.22	U/s. 379 of IPC & 15(2)/15 (4) of the Petroleum and Minerals Pipeline (Acquisition of Right of User of land), Amendment Act, U/s. 3/4 of prevention of Damage of Public Property Act and 3/4 of Explosive Substance Act.	Acquitted		

Annexure-III

List of Prosecution/Defence/Court Witnesses

A. Prosecution

Rank`	Name	Nature of Evidence (Eye Witness, Police Witness, Expert Witness, Medical Witness, Panch Witness, Other Witness)
P.W:- 1	Navin Kumar Choudhary	Other Witness
P.W:- 2	Gopal Das @ Gopal Prasad Deo	Other Witness
P.W:-3	Kumod Kumar Gupta	Informant

B. Defence Witness, if any :

Rank	Name	Nature of Evidence (Eye Witness, Police Witness, Expert Witness, Medical Witness, Panch Witness, other Witness)
DW1		
DW2		

C. Court Witness, if any : N.A.

Rank`	Name	Nature of Evidence (Eye Witness, Police Witness, Expert Witness, Medical Witness, Panch Witness, other Witness)
CW1		
CW2		

List of Prosecution /Defence/Court Exhibits

A. Prosecution:

Sr. No.	Exhibit Number	Description
1	Exhibit -P-1/PW-3	Written application of informant in S.T. 145/2017.

B. Defence:

Sr. No.	Exhibit Number	Description
1	Ext.-	

C. Court Exhibits: N.A.

Sr. No.	Exhibit Number	Description
1		
2		

D. Material Objects: N.A.

Sr. No.	Material Object Number	Description
1		
2		

In the court of the Principal Sessions Judge, Jamtara

Present: **Radha Krishan**
Principal Sessions Judge,
Jamtara.

Jamtara, Dated, the 24th day of July, 2026.

Sessions Trial No. 12 of 2025

(CNR No. JHJM01-000105-2025)

(Arising out of supplementary case record of Jamtara P.S. Case No. 23/2017 corresponding to G.R. Case No. 170B/2017 committed by Ld. CJM, Jamtara.)

(State through- Kumod Kumar Gupta.) **Prosecution.**

Versus.

1. Sahabuddin Ansari, aged about 50 years,
 S/o Late Anaul Ansari,
 R/o mouza Dihari, P.S. Narayanpur, District Jamtara..

..... **Accused.**

Charges U/s. 379 of IPC, Sec. 15(2)/15(4) of the Petroleum and Minerals Pipeline (Acquisition of Right of User of land), Amendment Act, U/s. 3/4 of prevention of Damage of Public Property Act and 3/4 of Explosive Substance Act.

For the Prosecution: Smt. Soni Kumari, Ld. Addl. P.P.

For the Defence : Sri Umesh Singh, Ld. Advocate.

J U D G M E N T

1. The above named sole accused namely **1. Sahabuddin Ansari** is facing trial for the offence U/s. 379 of IPC, Sec. 15(2)/15(4) of the Petroleum and Minerals Pipeline (Acquisition of Right of User of land), Amendment Act, U/s. 3/4 of prevention of Damage of Public Property Act and 3/4 of Explosive Substance Act.

2. The case of prosecution, as per written report of the informant Kumod Kumar Gupta Engineer of Barouni-Kanpur pipeline in brief, is that on

06.02.2017 Rabindra Kumar Singh had detected pilferage in the old pipeline for committing theft of oil from the pipeline by unknown persons. It has been alleged that when the informant went to Jamtara on the same day, he found that the repairing work of pipeline was going on under co-operation with the police. It has further been alleged that the pressure of oil supply come down from the Jasidih terminal of the pipeline which was detected in between intervening night on 06.02.2017 and 07.02.2017 in between 1 A.M and 2. A.M. Hence this case.

3. On that basis of written application of informant a case was registered vide Jamtara P.S. Case No. 23/2017 dt. 08.02.2017 against unknown persons for the offence U/s. 379 of IPC, Sec. 15(2)/15(4) of the Petroleum and Minerals Pipeline (Acquisition of Right of User of land), Amendment Act, U/s. 3/4 of prevention of Damage of Public Property Act and 3/4 of Explosive Substance Act.

4. After concluding the investigation, the I.O. has found the case true and submitted charge sheet vide no. 99/2017, dt. 13.04.2017 against 2 charge sheeted accused persons namely **(i). Md. Hussain Ansari and (ii) Md. Imtiyaz Ansari** for the offence U/s. 379 of IPC, Sec. 15(2)/15(4) of the Petroleum and Minerals Pipeline (Acquisition of Right of User of land), Amendment Act, U/s. 3/4 of prevention of Damage of Public Property Act and 3/4 of Explosive Substance Act after keeping the investigation pending against the accused persons namely **1. Sahabuddin Ansari, 2. Samad Ansari, 3. Md. Fakruddin Sidique, 4. Hakim @ Pradip, 5 Sanjay and unknown driver and co-driver (helper) of unknown tanker.**

5. Thereafter cognizance has been taken against the accused persons namely **(i). Md. Hussain Ansari and (ii) Md. Imtiyaz Ansari** for the offence U/s. 379 of IPC, Sec. 15(2)/15(4) of the Petroleum and Minerals Pipeline (Acquisition of Right of User of land), Amendment Act, U/s. 3/4 of prevention of Damage of Public Property Act and 3/4 of Explosive Substance

Act vide order dated 15.04.2017 by Ld. CJM Jamtara. After having complied with provision of Section 207 Cr.P.C. (Supply of police paper) the case has been committed to the court of Sessions **vide commitment Notification Order passed on 13.10.2017** passed by Ld. CJM, Jamtara. Where it has been numbered as **S.T. Case no. 145 of 2017 (Original)** and finally this record received to file of this court for favour of trial and disposal. From further perusal of the LCR attached with this record it appears that the **S.T. Case no. 145 of 2017 (Original)** has been disposed of and co-accused namely (i). **Md. Hussain Ansari** and (ii) **Md. Imtiyaz Ansari** have been acquitted by the predecessor of this Court vide judgment dated 30.07.2019 in **S.T. Case No. 145/2017**.

5-A. In the same manner after concluding the investigation, the I.O. has found the case true and submitted charge sheet vide no. 208/2020, dt. 23.12.2020 against 2 charge sheeted accused persons namely (i). **Md. Fakruddin Siddique** and (ii) **Md. Samad Ansari** for the offence U/s. 379 of IPC, Sec. 15(2)/15(4) of the Petroleum and Minerals Pipeline (Acquisition of Right of User of land), Amendment Act, U/s. 3/4 of prevention of Damage of Public Property Act and 3/4 of Explosive Substance Act after keeping the investigation pending against the accused persons namely **1. Sahabuddin Ansari, 2. Hakim @ Pradip, 5 Sanjay and unknown driver and co-driver (helper) of unknown tanker.**

5-C. Thereafter cognizance has been taken against the accused persons namely (i). **Md. Fakruddin Siddique** and (ii) **Md. Samad Ansari** for the offence U/s. 379 of IPC, Sec. 15(2)/15(4) of the Petroleum and Minerals Pipeline (Acquisition of Right of User of land), Amendment Act, U/s. 3/4 of prevention of Damage of Public Property Act and 3/4 of Explosive Substance Act by Ld. CJM Jamtara. After having complied with provision of Section 207 Cr.P.C. (Supply of police paper) the case has been committed to the court of Sessions. Where it has been numbered as **S.T. Case no. 37 of 2021**

(Supplementary) and finally this record received to file of this court for favour of trial and disposal. From further perusal of the LCR attached with this record it appears that the **S.T. Case no. 37 of 2021 (Supplementary)** has been disposed of and co-accused namely **(i). Md. Fakruddin Siddique and (ii) Md. Samad Ansari** have been acquitted by the Court of Ld. Additional Sessions Judge-III, Jamtara vide judgment and order dated 28.01.2025 in S.T. Case No. 37/2021.

5-D. After concluding the supplementary investigation, the I.O. has found the case true against the accused persons namely **1. Sahabuddin Ansari, 2. Hakim @ Pradip**, and submitted the charge sheet bearing no. 20/2023, dt. 18.02.2023 against the charge sheeted accused persons namely **1. Sahabuddin Ansari, 2. Hakim @ Pradip** for the offence U/s. 379 of IPC, Sec. 15(2)/15(4) of the Petroleum and Minerals Pipeline (Acquisition of Right of User of land), Amendment Act, U/s. 3/4 of prevention of Damage of Public Property Act and 3/4 of Explosive Substance Act after lack of evidence against **1. Sanjay** and other unknown accused persons.

5-E. Further the cognizance of the offence U/s. 379 of IPC, Sec. 15(2)/15(4) of the Petroleum and Minerals Pipeline (Acquisition of Right of User of land), Amendment Act, U/s. 3/4 of prevention of Damage of Public Property Act and 3/4 of Explosive Substance Act has been taken by Ld. CJM, Jamtara on 27.03.2023 against the accused persons namely **1. Sahabuddin Ansari, 2. Hakim @ Pradip**. After having complied with provision of Section 207 Cr.P.C. (Supply of police paper) the case has been committed to the court of Sessions **vide commitment Notification Order passed on 08.01.2025** passed by Ld. CJM, Jamtara. Where it has been numbered as **S.T. Case no. 12 of 2025 (supplementary)** and finally this record received to file of this case for favour of trial and disposal.

5-F. From perusal of the order-sheet dated 17.07.2025 it transpires that one of the accused namely **Pradip @ Hakim** is absent and

NBW has already been issued but the accused did not turn up before the Court. Hence, O/c is directed to open split up against accused **Pradip @ Hakim** which is renumbered as **S.T. Case No. 100 of 2025 (supplementary)**.

6. After hearing on the point of charge on 17.07.2025 the court has found sufficient material available on the case record to frame the charge for the offence U/s. 379 of IPC, Sec. 15(2)/15(4) of the Petroleum and Minerals Pipeline (Acquisition of Right of User of land), Amendment Act, U/s. 3/4 of prevention of Damage of Public Property Act and 3/4 of Explosive Substance Act against the accused namely **1. Sahabuddin Ansari**. Accordingly, charge has been frame for the offence U/s. 379 of IPC, Sec. 15(2)/15(4) of the Petroleum and Minerals Pipeline (Acquisition of Right of User of land), Amendment Act, U/s. 3/4 of prevention of Damage of Public Property Act and 3/4 of Explosive Substance Act against the accused persons **1. Sahabuddin Ansari** and the contents of the charge has been read over and explained to the accused in Hindi to which he pleaded not guilty and claimed to be tried.

7. After closure of prosecution evidences, the incriminating materials brought forth in the prosecution evidences have been put forth for his explanation and the Statements of accused **U/s 313(1)(b) Cr.P.C have been recorded on 22th July, 2026**. The accused has denied the evidence/ incriminating circumstances available on record and reiterated his innocence in clear words. The defence plea is of total denial of occurrence and of false implication. After recording the statement of accused the defence was provided with an opportunity to examine the defence witnesses if any, thereafter has denied to adduce witness in this case, thereafter defence evidence was closed and arguments of both the sides were heard at length and thereafter this case was fixed for judgment.

8. Now, the Question that emerges before this court for adjudication is whether or not the prosecution has been able to substantiate

and prove the charges against the above named accused beyond all shadow of reasonable and probable doubt or not ?

9. Altogether three witnesses namely **P.W:- 1** Navin Kumar Choudhary, **P.W:- 2** Gopal Das @ Gopal Prasad Deo and **P.W:-3** Kumod Kumar Gupta have been examined on behalf of the prosecution their names have also been mentioned in **Annexure-III -(A)**.

Further prosecution has proved the following documents which are mentioned in **page four (4)-(A) in Exhibit list**.

Sr. No.	Exhibit Number	Description
1	Exhibit -P-1/PW-3	Written application of informant in S.T. 145/2017.

10. On the other hand neither any oral nor documentary evidence has been examined on behalf of the Defence.

11. Let us examined how far the prosecution has substantiate the charges against the accused persons U/s. 379 of IPC, Sec. 15(2)/15(4) of the Petroleum and Minerals Pipeline (Acquisition of Right of User of land), Amendment Act, U/s. 3/4 of prevention of Damage of Public Property Act and 3/4 of Explosive Substance Act beyond the shadow of reasonable doubt. First of all, I would like to discuss the evidence of **P.W:-1 Navin Kumar Choudhary** has stated in his examination-in-chief that the incident took place on February 6, 2017, at 9:00 AM. At that time, he was near chain number 193/250 in Shahpura. He has further stated that when he arrived at the incident site between Shahpura and Mohra, there was a smell of oil, and there were tracks of large vehicle tires at the scene. He observed that the ground at the incident site was covered with rice mill ash. He removed the ash and found that the soil underneath was wet. A pit had been dug there, in which wet soil was placed inside a gunny bag and kept in the pit. When he pulled out the gunny bag, he saw that a valve (socket) was attached to the oil pipe, through which oil theft was committed from the pipeline. He has further stated that he

informed supervisor Gopal Dev about this matter. After that, senior officials from Jasidih and other headquarters arrived at the incident site. The police also arrived.

In his cross-examination this witness admitted that he did not see anyone stealing the oil. To date, he has no information regarding who has been arrested or caught by the police in this case.

12. P.W:-2 Gopal Deo @ Gopal Prasad Deo has stated in his examination-in-chief that the incident took place on the night of February 5, 2017. On the said date, he was posted as a supervisor at Indian Oil Corporation Limited, Jasidih. He has further stated that Ravindra Singh, a guard, used to work as a guard on the pipeline stretching from Karmatand to Posoi. The information regarding the incident was given to him by him on February 6, 2017, at 9:30 AM. The guard stated that oil had been stolen near chainage 193 in Posoi village by installing a valve. He has further stated that he conveyed the information regarding the oil theft from the pipeline to his headquarters in Barauni. The repair team arrived from Barauni, removed the valve, and repaired the pipeline.

In his cross-examination by the defence he has admitted that he did not see anyone stealing from the IOCL pipeline with his own eyes and to date, he has no knowledge or information regarding who has been arrested by the police in this case.

13. P.W:-3 Kumod Kumar Gupta has stated in his examination-in-chief that the incident took place on February 6, 2017. At that time, he was working as an Operation and Maintenance Engineer in the Barauni Pipeline Division of IOCL. He has further stated that on the said date, while DGR Guard Ravindra Kumar was patrolling the pipeline in a village in Jamtara, he detected the smell of oil near the pipeline, and tire marks of a vehicle were also found nearby. Ravindra Kumar suspected that oil was being stolen from the pipeline. He informed the DGR Guard Supervisor, who then passed this

information to the Barauni Maintenance Team on the morning of February 7, 2017. Upon receiving the information, the Barauni Maintenance Team left for the site. The police also arrived at the incident scene, and we received their assistance. From February 8, 2017, we started the repair work on the pipeline. At the site, he found a ball valve fitting, which had been installed by drilling a hole on top of the pipeline. On February 6, 2017, there was a pressure drop in the oil pipeline at the Jasidih Terminal Station, which confirms that oil theft took place from the said location. Regarding this incident, an FIR was lodged by me on February 8, 2017. He has further stated that a written application was submitted by him to the Police Inspector-cum-officer-in-charge (SHO), Jamtara. This is the photocopy of the same written application, which is in his handwriting and bears his signature, and he identifies it, which is maintained in the original Session Trial Case No. 145/2017. Let the entire written application maintained in Session Trial Case No. 145/2017 be marked as **Exhibit P-1/PW-04**.

In his cross-examination he admitted that he did not see any person stealing oil from the Barauni-Haldia pipeline. After the day he submitted the written application at the police station, his statement was not recorded by the police. The police have not called him in connection with this case to date.

Arguments of the Public Prosecutor

14. Ld. Public prosecutor while summing up the prosecution case has argued that prosecution has produced and examined the witnesses and almost all the material witnesses and circumstances of the case have convincingly and consistently supported and corroborated the prosecution case in its totality and cumulative effect of all the evidences analyzed particularly with direct evidences and seizure of the coal and bicycles unerringly point towards guilt of above named accused which emerges proved beyond doubt. Learned counsel for the State further submitted that the chain

of circumstance in the case is complete and the prosecution has been able to prove the charges against the accused beyond all reasonable doubts. So the prosecution well proved the charges and complicity of accused namely **1. Sahabuddin Ansari** for the offence punishable U/s. 379 of IPC, Sec. 15(2)/15(4) of the Petroleum and Minerals Pipeline (Acquisition of Right of User of land), Amendment Act, U/s. 3/4 of prevention of Damage of Public Property Act and 3/4 of Explosive Substance Act.

Arguments of the Defence

15. On the other hand, Ld. Advocate for Defence has argued that that the accused has been falsely, implicated in this case. There is no independent witness, who had come to say accused committed the alleged offence. Learned counsel submitted that there is no cogent evidence to the fact that there was accused committed the offence and all these allegations have been made only in order to falsely implicate the accused to save of the skin. Prosecution has absolutely failed in presenting convincing and trustworthy evidences to prove the instant case beyond reasonable and probable doubt, since the case is without any tangible evidence at all, as there is left may inexplicable loopholes seriously affecting the veracity of the case. It is lastly submitted by learned counsel that the chain of circumstance in the present case is not at all complete, so as only to prove the guilt of the accused. The trial of the co-accused persons have been acquitted in two sets. Firstly the co-accused persons namely **(i). Md. Hussain Ansari and (ii) Md. Imtiyaz Ansari** have been acquitted by the predecessor of this Court vide judgment dated 30.07.2019 in S.T. Case No. 145/2017. Secondly the co-accused persons namely **(i). Md. Fakruddin Siddique and (ii) Md. Samad Ansari** have been acquitted by the Court of Ld. Additional Sessions Judge-III, Jamtara vide judgment and order dated 28.01.2025 in S.T. Case No. 37/2021. Learned counsel accordingly, submitted on the basis of the evidences on the record the sol accused **1. Sahabuddin Ansari** deserves to the acquittal from

the charge leveled against him U/s. 379 of IPC, Sec. 15(2)/15(4) of the Petroleum and Minerals Pipeline (Acquisition of Right of User of land), Amendment Act, U/s. 3/4 of prevention of Damage of Public Property Act and 3/4 of Explosive Substance Act.

FINDINGS

16. Having heard detailed arguments from both sides, I proceed to examine, analyze and scrutinize the evidences brought forth by the prosecution in order to appreciate their inherent veracity and probability **vis-a-vis** the factual matrix of charges leveled against above named sole accused namely **1. Sahabuddin Ansari.**

CHARGE PUNISHABLE UNDER SECTION 379 OF INDIAN PENAL CODE

“That you along with other co-accused on 06.02.2017. at village Saharpura, P.S. & District Jamtara in furtherance of common intention of other co-accused you both committed theft of petroleum by taking it out of the possession of Indian Oil Corporation Ltd., and that you thereby committed an offence punishable under Section **379** of the Indian Penal Code, and within my cognizance.”

CHARGE PUNISHABLE UNDER SECTION 15(2) of the Petroleum and Minerals Pipeline (Acquisition of Right of User of land), Amendment Act

“That you along with other co-accused, on or about the same day of same month and year at same place willfully made unauthorized connection to extract petroleum product from I.O.C.L pipeline (Chainaj:193,12”) and that you thereby committed an offence punishable u/sc. **15(2)** of the Petroleum and Minerals Pipeline (Acquisition of Right of User of land), Amendment Act and within my cognizance.”

CHARGE PUNISHABLE UNDER SECTION 15(4) of the Petroleum and Minerals Pipeline (Acquisition of Right of User of land), Amendment Act.

“That you along with other co-accused, on or about the same day of same month and year at same place with intend to cause damage to the IOCL pipeline being used for transportation of petroleum products with the knowledge that such act is so imminently dangerous that it may cause death of any person and you thereby committed an offence punishable u/sc. **15(4)** of the Petroleum and Minerals Pipeline (Acquisition of Right of User of land), Amendment Act and within my cognizance.”

CHARGE PUNISHABLE UNDER SECTION 3 of the Prevention of Damage of Public Property Act

“That you along with other co-accused, on or about the same day of same month and year at same place committed mischief by causing damage to the IOCL pipeline being public property and you thereby committed an offence punishable u/sc. **3** of the Prevention of Damage of Public Property Act and within my cognizance.”

CHARGE PUNISHABLE UNDER SECTION 4 of the Prevention of Damage of Public Property Act

“That you along with other co-accused, on or about the same day of same month and year at same place caused damage to public property by means of explosive substance and you thereby committed an offence punishable u/sc. **4** of the Prevention of Damage of Public Property Act and within my cognizance. ”

CHARGE PUNISHABLE UNDER SECTION 3 of the Explosive Substance Act

“That you along with other co-accused, on or about the same day of same month and year at same place unlawfully used explosive substance for causing damage to the IOC petroleum pipeline thereby endangering human life or causing serious injury to property and you thereby committed an offence punishable u/sc. **3** of the Explosive Substance Act and within my cognizance.”

CHARGE PUNISHABLE UNDER SECTION 4 of the Explosive Substance Act

“That you along with other co-accused, on or about the same day of same month and year at same place unlawfully did an act with an intent to use explosive substance which was likely to endanger human life or to cause serious injury to the property and you thereby committed an offence punishable u/sc. 4 of the Explosive Substance Act and within my cognizance.”

Related Law

17. So far the charge U/s 379 of IPC the following essential elements which necessarily required to be proved are (i) that the subject matters of theft is movable property; (ii) that it was in possession of any person; (iii) that the accused moved it; (iv) that he did so without the consent of the person in possession; (v) that he did so intending to take it out of his possession; (v) that he did so dishonestly. The offence of theft consists in the dishonest taking of any movable property out of the possession of another without his consent. Dishonest intention exists when the person so taking the property intends to cause wrongful gain to himself or wrongful loss to the other.

18. Under Section-3 of Explosive Substance Act the Punishment for causing explosion likely to endanger life or property - Any person who unlawfully and maliciously causes by—

(a) any explosive substance an explosion of a nature likely to endanger life or to cause serious injury to property shall, whether any injury to person or property has been actually caused or not, be punished with imprisonment for life, or with rigorous imprisonment of either description which shall not be less than ten years, and shall also be liable to fine;

(b) any special category explosive substance an explosion of a nature likely to endanger life or to cause serious injury to property shall, whether any injury to person or property has been actually caused or not, be punished with death,

or rigorous imprisonment for life, and shall also be liable to fine.]

19. Under Section-4 of Explosive Substance Act the Punishment

for attempt to cause explosion, or for making or keeping explosive with intent to endanger life or property- Any person who unlawfully and maliciously—

(a) does any act with intent to cause by an explosive substance or special category explosive substance, or conspires to cause by an explosive substance or special category explosive substance, an explosion of a nature likely to endanger life or to cause serious injury to property; or

(b) makes or has in his possession or under his control any explosive substance or special category explosive substance with intent by means thereof to endanger life, or cause serious injury to property, or to enable any other person by means thereof to endanger life or cause serious injury to property in India, shall, whether any explosion does or does not take place and whether any injury to person or property has been actually caused or not, be punished,—

(i) in the case of any explosive substance, with imprisonment for life, or with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine;

(ii) in the case of any special category explosive substance, with rigorous imprisonment for life, or with rigorous imprisonment for a term which may extend to ten years, and shall also be liable to fine.]

20. So far the evidence of P.W:-1 Navin Kumar Choudhary

has not supported the case of the prosecution and involvement of the accused in the alleged offence. He has clearly admitted in his cross-examination that he did not see anyone stealing the oil. To date, he has no information regarding who has been arrested or caught by the police in this case. **In the same manner P.W. 2 P.W:-2 Gopal Deo @ Gopal Prasad Deo** has also not supported the case of prosecution and he clearly admitted in his cross-examination that he did not see anyone stealing from the IOCL pipeline with

his own eyes and to date, he has no knowledge or information regarding who has been arrested by the police in this case. In the same manner **P.W:-3 Kumod Kumar Gupta who is informant of this case** has also not supported the case of prosecution. However, he merely proved his signature over the written report but in his cross-examination he clearly admitted that he did not see any person stealing oil from the Barauni-Haldia pipeline. After the day he submitted the written application at the police station, his statement was not recorded by the police. The police have not called him in connection with this case to date.

21. The trial of the 4 accused persons have already been disposed of in two sets. Firstly the co-accused persons namely **(i). Md. Hussain Ansari and (ii) Md. Imtiyaz Ansari** have been acquitted by the predecessor of this Court vide judgment dated 30.07.2019 in **S.T. Case No. 145/2017**. Secondly the co-accused persons namely **(i). Md. Fakruddin Siddique and (ii) Md. Samad Ansari** have been acquitted by the Court of Ld. Additional Sessions Judge-III, Jamtara vide judgment and order dated 28.01.2025 in **S.T. Case No. 37/2021**.

22. None of the witness has supported the allegation against the accused and I.O. of this case has also not been examined by the prosecution. Hence it is crystal clear that the date of occurrence, manner of occurrence, genesis of occurrence in the present case is not prove by the prosecution and once doubt is created then the benefit of the same is to be given to the accused persons. It does not transpires that any of the witnesses has stated that the occurrence committed in this case was done by the aforesaid accused, because he has not stated anything against the accused who is facing trial in this case.

23. After going through the facts and circumstances of the case as well as the evidences available on the case record, I find that there are no eye witnesses in this case who had seen the accused persons making

unauthorized connection to extract petroleum product from I.O.C pipeline with the intention to cause damage to pipeline being used for transportation of petroleum product with the knowledge that such act is so imminently dangerous that it may cause death of any person. I do not find any evidence available on the case record in support of the fact that the accused had committed mischief by causing damage to petroleum pipeline being public property by means of explosive substance. No remains of any explosive substances were recovered at the place of occurrence in support of the fact that explosive substances were used in causing damage to petroleum pipeline.

24. On being cross-examined, all the witnesses have stated that nobody was present at the place of occurrence. The evidences available on the case record reveals that there are no independent witnesses in this case who have seen the occurrence. The prosecution fails to furnish any cogent reason for possession of stolen property. Merely (I.O.) submitted charge sheet who has also not been examined by the I.O. Hence, under the entire facts and circumstances, it appears that involvement of the accused in the alleged offence is doubtful. Thus, I come to the conclusion that prosecution has miserably failed to prove its case against the above named accused who is facing trial in this case.

25. In the circumstances, it is thoroughly unsafe to rely on the evidence of the witnesses such like informant and other witnesses for recording the order of conviction and sentence to the accused who is facing the Trial. There is no legal evidence available on the case record which shows that the prosecution has availed to prove the charge levelled against the accused beyond the shadow of all reasonable doubts. The witnesses who have turned up to depose have not stated anything against the accused. I found that the prosecution has not been able to establish the charges levelled against the accused beyond reasonable doubts. None of ingredient charged

levelled against accused has fulfilled, not substantiated with credible and trustworthy evidence.

26. Evaluating the evidence of Pws meticulously it also crystal clear that there is no legal evidence available on the case record which shows that the complainant/prosecution has availed to prove the charge levelled against the accused beyond the shadow of all reasonable doubts.

27. Having gone through the entire testimonies it emerges that there is not a shred of evidence or material which might in any way sustain the charge against accused or in anyway connect him to alleged occurrence. Thus, in the above discussed facts and circumstances of the case, the court is of opinion that the prosecution has miserably been failed to prove the charges levelled against the accused beyond the shadow of all reasonable doubts.

28. Having regard to the above facts and findings, this court is led to conclude that prosecution has miserably failed to bring home the charges against the above named sole accused **Sahabuddin Ansari**. Accordingly, It is being

ORDERED

29. Let the above named sole accused namely **Sahabuddin Ansari** be Acquitted from all the charges levelled against them U/s. 379 of IPC, Sec. 15(2)/15(4) of the Petroleum and Minerals Pipeline (Acquisition of Right of User of land), Amendment Act, U/s. 3/4 of prevention of Damage of Public Property Act and 3/4 of Explosive Substance Act in this case forthwith. Since the accused Sahabuddin Ansari is on bail, hence, he is discharge from his bail bonds and sureties.

The judgment is sealed, signed & pronounced by me in open Court.
(Dictated and corrected by me) (Dictated)

Sd/-

(Radha Krishan
(ID No.JH-0414)
**Principal Sessions Judge
Jamtara
Date: 24.07.2026.**

Sd/-

(Radha Krishan
(ID No.JH-0414)
**Principal Sessions Judge
Jamtara**

