

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77188 of 2024

Arising Out of PS. Case No.-759 Year-2023 Thana- NAUBATPUR District- Patna

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1. Aryan Raj S/O Prem Kumar R/O Vill - Oli Bigha, P.S - Chandi, Dist.- Nalanda.
 2. Sudarshan Lal S/O Shailendra Kumar R/O Vill - Oli Bigha, P.S - Chandi, Dist.- Nalanda.
 3. Pramod Kumar S/O Surendra Prasad R/O Vill - Oli Bigha, P.S - Chandi, Dist.- Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Operation Manager I.O.C , Barauni - Kanpur Pipeline.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Kashyap, Adv.

For the Opposite Party/s : Mr.Parmeshwar Mehta, APP

For the IOC : Mr. Raj Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA
ORAL ORDER

4 23-01-2025 Heard learned counsel for the petitioners and learned
APP for the State as also learned counsel for the Indian Oil
Corporation.

2. The petitioners seek bail in connection with Naubatpur P.S. Case No. 759 of 2023 instituted for the offences under Sections 285, 379, 427, 120(b) of the Indian Penal Code, Section 15(2), 15(4) of the Petroleum and Minerals Pipe Lines Act, 1962 (Amendment Act, 2011), Sections ¾ of the explosive Substance Act, Section 7 of the E.C. Act & Sections ¾ of the Prevention of damage of Public Property Act.

3. As per prosecution case, there is an an accusation against the unknown criminals of committing theft of oil by



damaging and piercing the Barauni Patna underground oil pipeline of the Indian Oil Corporation.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have committed no offence as alleged against them and have falsely been implicated in the present case merely on the basis of suspicion. The petitioners are not named in the F.I.R. as the same has been lodged against the unknown persons. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioners. There is no direct or specific allegation of any overt act against the petitioners rather the same is general and omnibus in nature. The Informant is not the eye-witness to the alleged occurrence. Charge-sheet has been submitted against the petitioners. He further submits that the petitioners were arrested in Athmalgola P.S. Case No. 45 of 2024 registered for similar nature of offence and had also confessed their guilt of being involved in the alleged offence and, on that basis, the petitioners were also implicated in all the cases including the present one. There is five days delay in filing the present case that too without there being any plausible explanation for such delay. The petitioners have nine criminal cases of similar nature of offence. The petitioner no.1 is in custody since 20.07.2024



whereas petitioner nos. 2 & 3 are in custody since 06.07.2024 without any rhymes or reason.

5. On the other hand, learned counsel for the State and Indian Oil Corporation have vehemently opposed the prayer for grant of bail to the petitioners. Learned counsel for the I.O.C. submits that the offence alleged against the petitioners is serious in nature. The petitioners have also nine criminal antecedents of similar nature of offences and, referring to Section 16C of the the Petroleum and Minerals Pipelines (Acquisition of Right of user in land) Act, 1962, submits that the petitioners do not deserve bail of this Court. Charge-sheet has also been submitted against the petitioners.

6. It appears that during investigation, the petitioner along with other co-accused persons were arrested while stealing oil from the I.O.C. Pipeline in Atmalgola P.S. Case No. 45 of 2024 and the petitioner no.1 has also confessed his involvement in the alleged occurrence of the present case also. The police after completion of investigation has submitted charge sheet against the petitioners under Sections Sections 285, 379, 427, 120(b) of the Indian Penal Code, Section 15(2), 15(4) of the Petroleum and Minerals Pipe Lines Act, 1962 (Amendment Act, 2011), Sections $\frac{3}{4}$ of the Explosive Substance



Act, Section 7 of the E.C. Act & Sections ¾ of the Prevention of damage of Public Property Act. The petitioners were also accused in other cases of the similar nature of offence. Learned counsel for the I.O.C. place reliance on Section 16C of the Petroleum and Minerals Pipelines (Acquisition of Right of user in land) Act, 1962, submits that the petitioners do not deserve bail of this Court. Section 16C of the Petroleum and Minerals Pipelines (Acquisition of Right of user in land) Act, 1962, being relevant, reads as follows;

“16C. Provisions as to bail.—(1) Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974), 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—

(a) the Public Prosecutor has been given an opportunity to oppose the application for such release; and

(b) where the Public Prosecutor opposes the application, 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.

(2) The limitations on granting of bail specified in sub-section (1) are in addition to the limitations under the Code of Criminal Procedure, 1973 (2 of 1974) or any other law for the time being in force on granting of bail.

(3) Nothing contained in this section shall be deemed to affect the special powers of the High Court regarding bail



under section 439 of the Code of Criminal Procedure, 1973 (2 of 1974).”

7. Having heard rival contention of both the parties and considering the nature and gravity of the offence which is serious and the petitioners having nine criminal antecedents of similar nature of offences, this Court is not inclined to grant bail to the petitioners. This Court also finds that there are reasonable grounds for believing that the petitioners are guilty of such offence and they are likely to commit the same offence if released on bail.

7. Accordingly, the prayer for bail of the petitioners, above named, is rejected with a direction to the court below to expedite the trial and conclude the same expeditiously.

(Rudra Prakash Mishra, J)

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