

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46756 of 2026**

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

Sudesh Kumar S/O Vishram Singh R/O Village- Naveen Basti 6 Bidhuna,
P.S.- Bidhuna, Distt.- Auraiya (Uttar Pradesh).

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Operation Manager, I.O.C, Barauni, Kanpur, Pipe Line. Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Ashok Kumar Kashyap, Advocate
For the Opposite Party/s :	Mr. Bhanu Pratap Singh, APP
	Mr. Raj Kumar, Advocate

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 21-07-2026 Heard learned counsel for the petitioner and learned
APP for the State as also learned counsel for the Indian Oil
Corporation (hereinafter referred to as “I.O.C.”).

2. The petitioner 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 3/4 of the
Explosive Substance Act, Section 7 of the E.C. Act & Sections
3/4 of the Prevention of damage of Public Property Act.

3. As per prosecution case, there is 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 petitioner submits that the petitioner is innocent and has committed no offence as alleged against him and has falsely been implicated in the present case merely on the basis of suspicion. The petitioner is 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 petitioner. There is no direct or specific allegation of any overt act against the petitioner rather the same is general and omnibus in nature. Charge-sheet has been submitted against the petitioner. He further submits that the petitioner was arrested in Athmalgola P.S. Case No. 45 of 2024 registered for similar nature of offence and had also confessed his guilt of being involved in the alleged offence and, on that basis, the petitioner was 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 petitioner has sixteen criminal cases of similar nature of offence and is in custody since 27.05.2024 without any rhymes or reason.

5. On the other hand, learned counsel for the State and



learned counsel for I.O.C. have vehemently opposed the prayer for grant of bail to the petitioner. Learned counsel for the I.O.C. submits that the offence alleged against the petitioner is serious in nature. The petitioner has also nine criminal antecedents of similar nature of offences and, referring to Section 16C of the Petroleum and Minerals Pipelines (Acquisition of Right of user in land) Act, 1962, learned counsel for the I.O.C. submits that the petitioner does not deserve bail. It is also submitted that the prayer for bail of the co-accused has already been rejected by this Court vide order dated 23.01.2025 passed in Cr. Misc. No. 77188 of 2024.

6. It appears that during investigation, the petitioner along with other co-accused persons was arrested while stealing oil from the I.O.C. Pipeline in Atmalgola P.S. Case No. 45 of 2024 and the petitioner has also confessed his involvement in the alleged occurrence of the present case also. The petitioner is also accused in other cases of the similar nature of offence. Learned counsel for the I.O.C. placed reliance on Section 16C of the Petroleum and Minerals Pipelines (Acquisition of Right of user in land) Act, 1962, and submits that the petitioner does 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 petitioner having nine criminal antecedents of similar nature of offences, this Court is not inclined to grant bail to the petitioner. This Court also finds that there are reasonable grounds for believing that the petitioner is guilty of such offence and he is likely to commit the same offence in future, if released on bail.

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

(Rudra Prakash Mishra, J)

Alok Verma/-

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