

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.39827 of 2016**

Arising Out of PS.Case No. -57 Year- 2016 Thana -BARACHATTI District- GAYA

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Binod Kumar, Son of Prashuram Yadav, Resident of Village- Lahuari, P.S.-  
Barachatti, District- Gaya.

.... .... Petitioner/s

Versus

The State of Bihar.

.... .... Opposite Party/s

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With

**Criminal Miscellaneous No.38206 of 2016**

Arising Out of PS.Case No. -57 Year- 2016 Thana -BARACHATTI District- GAYA

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Samundra Singh @ Nankulia son of Ramsarup Singh Resident of Village-  
Patluka, Police Station- Barachatti, District- Gaya.

.... .... Petitioner/s

Versus

The State of Bihar

.... .... Opposite Party/s

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**Appearance:**

(In Cr.Misc. No.39827 of 2016)

For the Petitioner/s : Mr. Sanjeev Kumar, Advocate.

For the Opposite Party/s : Mr. Shailendra Kumar Singh, A.P.P.

(In Cr.Misc. No.38206 of 2016)

For the Petitioner/s : Mr. Binod Kumar, Advocate.

For the Opposite Party/s : Mr. Amit Kumar Rakesh, A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA**

**ORAL ORDER**

3      01-12-2016

Heard both sides.

The petitioners seek bail in Barachatti P.S. Case No.  
57 of 2016 registered under Section 395 of the Indian Penal Code.

The informant, the driver of the truck bearing  
registration no. DL 1GC 2180, lodged the case and alleged that he



loaded flour from Gonda and he was going to Kolkata along with Cleaner Vijay Singh. When the truck reached near Jaigir More (Barachatti), one Scorpio came in front of the truck. The accused persons claimed themselves to be the officials of Commercial Taxes Department. They demanded papers of the loaded article. The accused persons pulled out the driver (informant) and the cleaner from the truck and some of the accused persons fled away with the loaded truck.

Learned counsel for the petitioners submits that the petitioners are not named in the F.I.R. Some of the accused persons confessed their guilt and disclosed the name of the petitioners, but the petitioners have been put on T.I.P. and two persons identified the petitioners in the T.I.P. It is submitted that the T.I.P. was not done in presence of the Judicial Magistrate but from perusal of the T.I.P. chart, it appears that the T.I.P. was held in presence of Sri G.N. Dubey, Judicial Magistrate, and Mukesh Kumar and Vijay Singh (driver and cleaner of the truck) identified both the petitioners who were amongst the accused persons. The T.I.P. was held in presence of two witnesses Dinesh Kumar Thakur and Amit Kumar Singh, Jailor and Clerk of the Jail respectively. The looted article was also recovered.

Considering the facts aforesaid, I am not inclined to



enlarge the petitioners on bail in Barachatti P.S. Case No. 57/16.

Accordingly, the same is rejected.

**(Prabhat Kumar Jha, J)**

Dilip/-

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