

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41239 of 2014

Arising Out of PS.Case No. -248 Year- 2013 Thana -MARHAURA District- SARAN

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1. Harish Kumar @ Harish Rai, son of Late Hardeo Rai, a permanent resident of Village Deoria (Korar), P.S. Taraiyan, District Saran, at present the Saran Engg. Co. Ltd. New Colony, P.S. Marhowrah, District Saran
 2. Kalicharan @ Shailendra Kumar Singh, son fo Shambhu Sharan Singh, a resident of the Saran Engg. Co. Ltd. New Colony, P.S. Marhowrah, District Saran

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE V.N. SINHA
ORAL ORDER

2 10-04-2015

Heard learned counsel for the petitioners and the State.

2. Petitioners are apprehending arrest in connection with a case registered for the offences under Section 353 and other allied Sections of the Penal Code as it is said that when S.D.O., Marhowrah and others went to obtain possession of the quarter of Saran Engineering Company Ltd., Marhowrah they put up resistance and thereby committed the offence alleged against them.

3. It is submitted on behalf of petitioner no. 1 that his father was the employee of Saran Engineering Company Ltd., Marhowrah and while he was in service Company went into

liquidation. Arrears of salary of his father could not be paid as the liquidation proceeding is still in progress. Result being that even after death of the father of the petitioner his mother and petitioner no. 1 are residing in the same quarter awaiting payment of salary and other dues of his father from the Official Liquidator.

4. Petitioner no. 2 is the son of Shambhu Sharan Singh, a living employee of the Company and is residing in the adjoining quarter of the Company.

5. It is submitted on behalf of the petitioners that the Company being under liquidation and there being no order of either Company Judge or of the Official Liquidator asking the petitioners to vacate the quarter, S.D.O. had absolutely no jurisdiction to ask the petitioners to vacate the quarter. It is further submitted that on the date of occurrence petitioners were taken to the police station but after sometime asked to leave the police station. Later complaint petition has been filed alleging misconduct by the S.D.O. and the police officials. The petitioners are apprehending arrest after filing of the complaint.

6. Be that as it may, let petitioners, named above, surrender in the court below within a period of four weeks from the date of receipt/ production of a copy of this order in the Court below and thereafter be released on bail on furnishing bail bonds

of Rs. 5,000/-(Rs. Five Thousand Only) each with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Saran in connection with Marhowrah P.S. Case No. 248/13, subject to the conditions laid down under Section 438(2) Cr.P.C.

(V.N. Sinha, J.)

Rajesh/-

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