

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 10536 of 2020

Arising Out of PS. Case No.-305 Year-2015 Thana- MADHAURAH District- Saran

1. NAGENDRA RAI, Male, aged about 42 years, son of Vikarama Rai, Resident of Asaiya, Police Station - Marhaura, District - Saran.
2. Ashok Jayswal @ Jaiswal @ Ashok Kumar Jayswal @ Jaiswal @ Ashok Kumar, Male, aged about 40 years, son of Shankar Jayswal @ Jaiswal Resident of Bara Telpa, Police Station - Chapra Nagar, District - Saran, Presently Resided at Near Jagdamba Mandir, Jagdamba Road, East Dahiyawan, Saran.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Anuj Kumar Shrivastava
For the Opposite Party/s : Mr. Anita Kumari

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

2 04-03-2020 Heard learned counsel for the petitioners and

learned counsel for the State.

In this case, the petitioners are seeking anticipatory bail in connection with Marhowrah P.S. Case No. 305 of 2015, registered for the offence under Sections 461, 379, 427 and 120B of the Indian Penal Code.

This matter relates to Saran Engineering Company, which has been closed down and the winding up proceeding is pending before the Hon'ble Allahabad High Court. During the liquidation proceeding, the property, in question, was auction sold through Official Liquidator but, allegation has been made against these petitioners that at their instance the valuable articles of the property have been stolen.

Learned counsel for the petitioners submits that in



the auction sale one Raj Kumar Agrawal, had purchased the property and he is the owner of the property, in question, but, learned counsel for the informant submits that as he did not comply the order of the Company Court again the property has been auction sold and the informant has purchased the property. So, before the sale could be confirmed he has removed the valuable articles of the property, thereby causing great loss to the closed company. It has also been brought to the notice of this Court that the present case is of the year 2015 and the petitioners remained absconders for about four years.

Looking to the entirety of the facts and circumstance of the case as well as other aspect of the matter, this Court is not inclined to grant bail to the petitioner. Accordingly, the prayer for bail is rejected. However, if the petitioners surrender before the Court below within four weeks from today and pray for regular bail, the Court below will consider the same and pass appropriate order without being influenced by the order of this Court.

(Shivaji Pandey, J)

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