

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.8255 of 2017

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Chandrika Singh, Son of Late Shiv Shankar Singh, Resident of Village- Belahi
Jairam, P.O. Pokharbhinda, P.S. Sahiara, District- Sitamarhi.

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary Home Deptt. Bihar, Patna.
2. The Collector, Sitamarhi.
3. The District Certificate Officer, Sitamarhi.
4. The Senior Branch Manager, Syndicate Bank, Muzaffarpur.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Jha

For the Respondent/s : Mr. Manoj Kumar, A.C. to G.P.-4

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 02-08-2017

Heard learned counsel for the petitioner and learned
counsel for the State.

In this case, the petitioner is raising a grievance that a
proceeding was initiated under the Bihar and Orrisa Public Demand
Recovery Act, which was registered as Certificate Case No.26 of
2016-17 and without proper service of notice the petitioner has
been arrested.

Learned counsel for the petitioner has drawn the
attention of this Court to the notice. In the back side of the notice,
the process server has recorded that he could not meet the
petitioner, so he affixed the notice on his house, but no person has
been shown as the witness of affixing the notice on the house of the



petitioner.

Learned counsel for the petitioner submits that it is completely a bogus service, in fact no service was ever served upon the petitioner.

In such view of the matter, let the petitioner be released on bail forthwith in connection with Certificate Case No.26 of 2016-17 to the satisfaction of the Certificate Officer. The petitioner will be at liberty to file objection under Section 9 of the Act and the Certificate Officer will be obliged to serve the copy of the same upon the Bank. The Certificate Officer will dispose of the proceeding by a reasoned order. The order of Body warrant is set aside.

Let this order be communicated to the Certificate Officer, Sitamarhi, through Fax at the cost of the petitioner.

With the aforesaid observations and directions, this writ application is disposed of.

(Shivaji Pandey, J)

pawan/-

AFR/NAFR	N.A.F.R.
CAV DATE	N/A
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