

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.879 of 2017

Arising Out of PS.Case No. -null Year- null Thana -null District- MUZAFFARPUR

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M/s Shivam Rice Mill through its Proprietor Dinesh Kumar, S/o Shri Mahesh Lal Sah, R/o Village- Prasad, P.S.- Meenapur, District- Muzaffarpur (East).

.... Petitioner

Versus

1. The State of Bihar through Principal Secretary, Home Department, Government of Bihar Old Secretariat, Bihar, Patna.
2. District Magistrate, Muzaffarpur.
3. Superintendent of Police, Muzaffarpur.
4. The Sub-Divisional Officer-cum-Certificate Officer, East Muzaffarpur.
5. The Officer-in-Charge, Police Station- Meenapur, under District- Muzaffarpur (East).
6. The Bihar State Foods and Civil Supplies Corporation Ltd., at Chandra Lok Hostel Premises, Naya Tola, Police Station- Kazimohammadpur, District- Muzaffarpur, through its Branch Manager.

.... Respondents

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Appearance :
For the Petitioner/s : Mr. Ramchandra Singh, Adv.
For the B.S.F.C. : Mr. Harish Kumar, Adv.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 21-11-2017

Heard learned counsel for the parties.

2. In Certificate Case No. 579 of 2013-14, the Certificate Officer-cum-Sub Divisional Officer, East Muzaffarpur, has passed order dated 10.05.2016 fixing the responsibility of the petitioner to pay the certificate amount within a week.

3. The petitioner had filed petition dated 26.12.2016 before the Certificate Officer for recall of the order dated 10.05.2016. The said petition was still pending. Hence,



this writ application was filed for a direction to the authority concerned to dispose of the said petition.

4. Further prayer is for a direction to the authorities to take no coercive step against the petitioner in pursuance of order dated 10.05.2016 passed in the aforesaid certificate case.

5. Submission of the learned counsel for the respondent is that both the prayers have become infructuous now because the petitioner has already been arrested in that case.

6. Since both the prayers have become infructuous in the changed circumstances, hence, the main prayer in the writ application is itself infructuous now.

7. At this stage, submission of the learned counsel for the petitioner is that during pendency of this writ application, the petitioner was arrested on 28.06.2017. Thereafter, the petitioner filed an interlocutory application before this Court for grant of bail. This Court directed to move the Certificate Officer for grant of bail. The prayer for bail has been refused by the Certificate Officer. Thereafter, supplementary affidavit has been filed with further prayer to grant bail in the aforesaid case on the ground that the arbitration proceeding is already going on. Hence, till



adjudication of liability by the arbitrator, the petitioner who is in custody since 28.06.2017 deserves to be released on bail.

8. Considering the entire facts and circumstances of this case, let the petitioner be released on execution of surety bond of Rs.50,000/- (Fifty thousand) along with two sureties of the like amount to the satisfaction of the Certificate Officer concerned and with further direction that soon after release, the petitioner would disclose his properties before the Certificate Officer as required under Section 39 of Bihar and Orissa Public Demand Recovery Act and shall fully cooperate in the arbitration proceeding. If the petitioner would not appear in the arbitration proceeding, the Certificate Officer would be competent to proceed according to law.

9. With the aforesaid observation, this writ application stands disposed of.

(Birendra Kumar, J)

Nitesh/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	22.11.2017
Transmission Date	22.11.2017

