

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9642 of 2018

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Bechan Sah, Son of Sadanand Sah, resident of purani Jogbani, 27, At &
P.O.- Jogbani, District- Araria.

.... Petitioner

Versus

1. The State of Bihar through Principal Secretary Finance Deptt., Bihar,
Patna.
2. The District certificate officer, Araria.
3. The Branch Manager, State Bank of India, A D B Araria.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Satya Prakash Parasar, Adv.
For the State : Mr. Parijat Saurav, AC to AAG10
For the S.B.I. : Mr. Awadhesh Kumar Singh, Adv.
Mr. Kaushlendra Kumar Sinha, Adv.

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

2 28-05-2018 Heard Mr. Satya Prakash Parasar, learned Counsel for the
petitioner, Mr. Parijat Saurav, learned AC to AAG 10 and Mr.
Awadhesh Kumar Singh, learned Counsel for the Bank.

Mr. Parasar, learned Counsel for the petitioner while
informing that a major portion of loan outstanding, has been paid
by the petitioner, submits, that the petitioner is ready to clarify the
position before the District Certificate Officer, Araria by placing
documents in support but is precluded from doing so because of
arrest warrant issued by the certificate officer, a copy of which is
at Annexure- 4 series and is dated 10.01.2018. He submits that
the petitioner is willing to appear before the District Certificate
Officer, Araria and to participate in the proceeding but prays for



protection against the warrant of arrest.

Mr. Awadhesh Kumar Singh, learned Counsel on instruction from Mr. Kaushlendra Kumar Sinha, learned Counsel for the Bank, submits that in case the petitioner is willing to participate in the proceeding and to discharge his obligation, he would have no objection to interim protection but the petitioner should not misuse the protection.

Having heard learned Counsel for the parties and considering the submissions advanced by the parties this Court is willing to accept the prayer of the petitioner for interim protection but subject to the condition that the petitioner registers his appearance before the District Certificate Officer, Araria in Certificate Case No. 217/2016-2017 on or before 11th of June, 2018 together with his objection Under Section 9 of the Bihar & Orrisa Public Demand Recovery Act.

As a consequence the warrant of arrest order issued by the District Certificate Officer, Araria dated 8.01.2018 enclosed with Annexure-4 series in Certificate Case No. 217/2016-2017 shall remain in abeyance for a period of four weeks from today and should the petitioner fail to register his appearance before the District Certificate Officer, Araria as per his undertaking on or before 11th June, 2018, this interim protection would stand



recalled.

However, in case the petitioner would register his appearance before the District Certificate Officer, Araria on or before 11.6.2018 as per his undertaking, the warrant of arrest order shall stand discharged.

The writ petition is allowed with the directions/stipulations above.

(Jyoti Saran, J)

Surendra/-

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