

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.9155 of 2018**

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1. Bhikhari Rai, Son of Late Sukhdev Rai,
  2. Sikandar Rai, Son of Bhikhari Rai, Both resident of Village- Hariharpur, P.O.- Majhauria, P.S.- Bathnagar, Distt.- Sitamarhi.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Finance Department, Bihar, Patna.
2. The Collector Sitamarhi.
3. The District Certificate Officer, Sitamarhi.
4. The Branch Manager, Syndicate Bank, Kamaldah, Branch- Sitamarhi.
5. Janki Enterprises, Authorised Dealer Eicher Tractors, Old Private bus Stand Sursand Road, Sitamarhi. At present Shantinagar, Dumra Road, Sitamarhi.

... .. Respondent/s

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**Appearance :**

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| For the Petitioner/s | : | Mr. Ranjit Kumar Thakur, Advocate |
|                      |   | Mr. Devendra Kumar, Advocate      |
| For the Respondent/s | : | Mr. Siddhartha Harsh, Advocate    |

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**CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL**  
**ORAL ORDER**

3      14-08-2018                      Heard learned counsel for the petitioners and learned counsel appearing on behalf of the Respondent- Syndicate Bank, Kamaldah Branch, Sitamarhi.

2. Petitioners by way of this writ application seek recall of the order dated 24.12.2016 and order dated 02.08.2017 passed by the Respondent No. 3, the District Certificate Officer, Sitamarhi in Certificate Case No. 130 of 2014-15 whereby the warrant of arrest had been issued vide order dated 24.12.2016 and his application for recall of warrant has been rejected by order dated 02.08.2017.

3. Petitioners submit that without service of notice as



envisaged under Section 7 of the PDR Act the order of warrant has been issued.

4. Hence, the order dated 24.12.2016 and order dated 02.08.2017, passed by the Respondent No. 3, the District Certificate Officer, Sitamarhi in Certificate Case No. 130 of 2014-15 are quashed. However, liberty is given to the petitioners to file their objection under Section 9 of the P.D.R. Act within a period of two weeks from today before the District Certificate Officer, Sitamarhi, who would consider the same and pass appropriate order in accordance with law.

5. With the liberty aforesaid, this writ application is disposed off.

**(Nilu Agrawal, J)**

Rajesh/Pragya

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