

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1900 of 2019

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Sunil Kumar Pandey, Aged about 31 years, Male, S/o Sri Ram Pandey, R/O of Village- Kharauni, P.O- Bara Kharauni, P.S-Bihia, District- Bhojpur.

... .. Petitioner/s

Versus

1. The State Of Bihar.
2. The District Magistrate, Bhojpur Ara.
3. The District Education Officer, Bhojpur Ara.
4. The District Certificate Officer, Bhojpur Ara.
5. The District Programming Officer, Bhojpur Ara.
6. The Block Education Officer, Shahpur, Bhojpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Gopal Govind Mishra, Adv.
For the Respondent/s : Mr. Samir Kumar, AC to SC 16.

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 22-02-2019 The petitioner is facing a certificate proceeding under the provisions of Bihar and Orissa Public Demands Recovery Act, 1914 for a realization of Rs.29,19,375/-.

Learned counsel for the petitioner submits that for the same reason one F.I.R has also been lodged against the petitioner giving rise to Sahpur P.S. Case No.240 of 2018 dated 03.08.2018 under various provisions of Indian Penal Code. It is further submitted that in connection with the said F.I.R. when the petitioner moved the Court of learned Sessions Judge for grant of anticipatory bail in A.B.P. No.1323 of 2018, in course of hearing of the said application he gave an undertaking before the Court that he would deposit a sum of Rs.21,46,599/- in four



installments. The first installment was payable on 26.10.2018 for Rs.5,00,000/-, second installment was payable on 11.12.2018 again for Rs.5,00,000/-, the third installment of Rs.5,00,000/- was payable on 26.01.2019 and the fourth and final installment would be payable on 11.03.2019 of Rs.6,36,599/-. Out of the four installments, the petitioner has already deposited two installments and is going to deposit the third installment today.

In these circumstances, learned counsel representing the petitioner submits that issuance of distress warrant against the petitioner in the certificate proceeding without giving him adequate opportunity to submit his objection was not required. The issuance of warrant of arrest has been challenged and a statement has been made before this Court that in case the distress warrant is cancelled, the petitioner would be in a position to submit his objection before the Certificate Officer.

Learned counsel for the State is present.

In the given facts and circumstances of the case, this Court thinks it just and proper to dispose of the writ application at this stage itself. If the petitioner deposits the third installment of Rs.5,00,000/- and produces the receipt of payment of the three installment making a total of Rs.15,00,000/- before the



Certificate Officer within a period of three weeks from today, the Certificate Officer shall allow the petitioner to submit his objection within the said period and shall consider the same on its own merit. Till disposal of the objection of the petitioner by the Certificate Officer, no coercive action shall be taken against the petitioner and the warrant of arrest, if any, issued against him shall be kept in abeyance.

(Rajeev Ranjan Prasad, J)

R.R.Ojha/-

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