

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.24418 of 2019

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Shailendra Sharma, Son of Ramadhar Sharma, Resident of Vilage- Bhadhesri,
P.S. Kako, Dist.- Jehanabad.

... .. Petitioner/s

Versus

1. The State of Bihar through Dist. Magistrate, Jehanabad.
2. The Sub Divisional Magistrate cume Certificate Officer Jehanabad.
3. The Madhay Bihar Gramin Bank through its Branch Manger Pinjor Branch (Kako), P.S. Kako, Dist. Jehanabad.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Shivendra Kumar Sinha
For the Bank : Mr.Suresh Prasad Singh No.1

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 06-12-2019 Heard learned counsel for the petitioner and learned
counsel representing the Bank.

The petitioner in this case is seeking quashing of the order dated 12.01.2018/26.09.2019 passed by the Sub-Divisional Officer-cum-Certificate Officer, Jehanabad by which bailable warrant of arrest has been issued against the petitioner in Case No.4 of 2017-18 filed by Madhya Bihar Gramin Bank, Pinjor.

It appears on perusal of the impugned order as contained in Annexure-2 that after finding that service report of notice under Section 7 of the Bihar and Orrisa Public Demand Recovery Act, 1914 was available on the record but the certificate debtor has not appeared, the certificate officer has directed for issuance of a reminder for execution of bailable warrant of arrest which was issued



on 18.12.2017. This Court finds that earlier notice was issued to the petitioner on 21.08.2017 fixing the date of appearance on 22.09.2017. Since this Court finds that it was the very first date after service of notice when bailable warrant of arrest was ordered to be issued, that too when the records were placed on 18.12.2017, the impugned order cannot be sustained.

This Court finds that the petitioner has taken a bonafide plea saying that he will deposit 50% of the certificate amount i.e. approximately Rs.5,00,000/- within a period of four weeks from today with the bank and thereafter the bank shall make available the statement of account to the petitioner showing the outstanding amount after adjusting the subsidy amount to which the petitioner may be found entitled to. On receipt of such statement of account, within next four weeks, the petitioner will pay the balance amount.

The impugned order is set aside. This application stands disposed off accordingly.

The petitioner shall deposit the amount in terms of his own undertaking, failing which the matter shall proceed before the certificate officer.

(Rajeev Ranjan Prasad, J)

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