

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2826 of 2014

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Bhuneshwar Yadav S/O Late Bodhu Yadav R/O Village - Billo, P.S.
Ramgardh Chouk, District - Lakhisarai

... .. Petitioner/s

Versus

1. The State Of Bihar.
2. The Director General Of Police, Govt. Of Bihar, Patna.
3. The Divisional Police Commissioner, Munger
4. The District Magistrate, Lakhisarai
5. The Superintendent Of Police, Lakhisarai
6. The Deputy Superintendent Of Police, Lakhisarai
7. The Officer Incharge Ramgardh Chouk, Lakhisarai

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Vikram Jeet, Adv.
For the Respondent/s : Mr. Satyadeo Kumar, SC-5

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

4 24-04-2019 Heard learned counsel for the petitioner and the
counsel appearing on behalf of the State.

The appeal of the petitioner was dismissed for default.
From the order sheets enclosed, it appears that the matter was
heard on different dates by the Commissioner and on most of
the dates the Commissioner was busy in other important work
and therefore the appeal was not heard on merit and on
03.04.2013 the appeal was dismissed for default.

Considering the fact that the appeal was not decided
on the merit, the writ application is allowed. The matter is
remitted back to the Commissioner, Munger Division to take



fresh decision on merit of the case within a maximum period of 60 days from the date of receipt/production of a copy of this order.

It is made clear that the Commissioner has to hear the appeal on its own merit and thereafter to take fresh decision instead of dismissing the appeal on default.

With the aforesaid, the present writ application is allowed and stands disposed of.

(Anil Kumar Upadhyay, J)

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