

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.2080 of 2021**

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Dhananjay Kumar, S/o Late Ram Nivas Sharma, Resident of Village-Kanhaiya Chak, P.S.-Kinjar, District-Arwal, A/p Krishna Cold Store, Krishna Nagar, Raja Bazar, P.S.-Jehanabad, District-Jehanabad.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Home, Govt. of Bihar, Secretariat, Patna.
2. The Commissioner, Magadh Division, Gaya.
3. The District Magistrate, Arwal.

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr.Dr. Alok Kumar Sinha  
For the Respondent/s : Mr.Lalit Kishore ( Ag )

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**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH**  
**ORAL ORDER**

2      10-08-2022                      The present writ petition has been filed for quashing the order dated 20.02.2020 passed by the learned court of Commissioner, Magadh Division, Gaya in Arms Appeal No. 31 of 2019 whereby and where-under the appeal of the petitioner has been rejected on the ground of the same having been filed after expiry of the period of limitation.

The learned counsel for the petitioner has submitted that though the learned Commissioner, Magadh Division, Gaya has found that there is delay of 96 days in filing the aforesaid appeal, however, it is the contention of the learned counsel for the petitioner that a petition for condonation of delay was also filed explaining the circumstances under which the appeal has



not been filed within time, however, the same has not been considered in a just and proper manner.

The learned counsel for the Respondent State has submitted that in case this Court decides to remand the matter back to the learned court of Commissioner, Magadh Division, Gaya, he shall consider the appeal of the petitioner on merits.

Having regard to the facts and circumstances of the case, this Court finds that it would be equitable and in the interest of justice to direct for consideration of the appeal of the petitioner on merits, considering the fact that delay in question is meager, hence this Court deems it fit and proper to quash the order dated 20.02.2020 passed in Arms Appeal No. 31 of 2019 and remand the matter back to the learned court of Commissioner, Magadh Division, Gaya for adjudication of the Appeal on merits.

The writ petition stands allowed to the aforesaid extent.

**(Mohit Kumar Shah, J)**

Tiwary/-

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