

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2520 of 2023

Atul Bihari Rai S/o Ganesh Ray, R/o Village- Mishrawaliya, P.O.- Barkagaon
Mansingh Patti, P.S. Buxar (Industrial), District- Buxar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Home Secretary, Govt. of Bihar, Patna.
2. The Divisional Commissioner, Patna Division, Patna.
3. The District Collector, Buxar.
4. The Superintendent of Police, Buxar.
5. The S.H.O., Buxar Industrial Area P.S., District- Buxar.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Arvind Kumar Pradhan
For the Respondent/s : Mr.Manish Kumar (Gp 4)

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL JUDGMENT

Date : 26-09-2023

The present writ petition has been filed for quashing the order dated 13.12.2022, passed by the Commissioner, Patna Division, Patna, in Arms Appeal Case No. 26 of 2021, whereby and whereunder the appeal of the petitioner has been dismissed for default on account of the appeal having been filed after expiry of the time period, prescribed for filing the appeal.

2. The learned counsel for the petitioner submits that on account of cogent reasons, as has been mentioned in the present writ petition, as also on account of the Covid-19 Pandemic having spread all over the country, there was some delay in filing the appeal, however, the same be condoned and the appeal of



the petitioner be directed to be heard on merits.

3. Having regard to the facts and circumstances of the case, considering the equities and in the interest of justice as also taking into account the fact that at the relevant time, the country was facing challenging times on account of Covid-19 Pandemic, I deem it fit and proper to quash the order dated 13.12.2022, passed by the Commissioner, Patna Division, Patna, in Arms Appeal Case No. 26 of 2021 and remand the matter back to him for fresh consideration of the appeal, on merits.

4. The writ petition stands allowed.

(Mohit Kumar Shah, J)

Ajay/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	27.09.2023
Transmission Date	NA

