

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.477 of 2021

In
Civil Writ Jurisdiction Case No.12198 of 2014

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1. The State of Bihar Bihar
 2. The Director General of Police, Old Secretariat, Patna.
 3. The Addl. Director General of Police, Old Secretariat, Patna.
 4. The Assistant Inspector General of Police (Inspection) Old Secretariat, Patna.
 5. The Commandant, B.M.P.- 14, Patna.
 6. The Deputy Superintendent of Police, B.M.P. - 14, Patna.
 7. The Deputy Secretary of Finance, Old Secretariat, Patna.
 8. Chief Secretary, Govt. of Bihar, Old Secretariat, Patna.
 9. Principal Secretary, Personal and Home Department, Govt. of Bihar, Old Secretariat, Patna.

... .. Appellant/s

Versus

1. Most. Sumitra Bari Wife of Late Lanka Bari resident of Village - Echakuti, Lehakuti, P.O. Bara Guera Via Chaibasa, P.S. - Mufassil, District- West Singhbhum, Jharkhand.
2. Budhan Ram Bari Son of late Lanka Bari resident of Village - Echakuti, Lehakuti, P.O. Bara Guera Via Chaibasa, P.S. - Mufassil, District- West Singhbhum, Jharkhand.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Saroj Kumar Sharma (A.C. To A.A.G.3)
For the Respondent/s : Mr.

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 06-08-2024

Re:I.A. No. 02 of 2021

Heard I.A. No. 02 of 2021 arising out of LPA No. 477 of 2021. There is a delay about 2 years and 96 days in assailing the order of learned Single Judge dated 01.04.2019 passed in CWJC



No. 12198 of 2014. The reasons assigned are at Para 2 to 6, they are as follows:-

“2. That the filed moved to the learned Advocate General, Bihar, Patna and opinion was given on dated 20.12.2019 by Ld. Addl. Advocate General for filing L.P.A before Hon’ble High Court and file was forwarded to Police HQ and direction was given to prepared a S.O.F for grounds of appeals. The file was endorsed by Special Secretary Home on 01.06.2020 and send to Law Department.

3. That file was set to motion in the Department and after completion of the formalities, it was submitted to the learned Additional Advocate General for filing the Letters Patent Appeal and as such the same has been filed.

4. That the delay in filing of the LPA was not intentional and the same was caused due to circumstances of official paraphernalia and also due to Corona Pandemic which is beyond the control of respondents/appellants.

5. That there is an irreparable loss to the appellants if the delay caused in filing the instant application is not condoned as the appellants have taken every good grounds for allowing the present Memo of Appeal.

6. That for ends of justice and fair play the delay caused in filing this Memo of Appeal may kindly be condoned.”

2. Dates and events are not forthcoming so as to condone enormous delay of about 2 years and 96 days. Covid-19 period would not assist appellants for the reasons that order of the learned Single Judge was on 01.04.2019 and Covid-19 period for in vogue during 20.03.2020 to March, 2022. Appellants have slept over the matter for about one year from 01.05.2019 till 20.03.2020



and further LPA was filed in August, 2021. In the light of Co-ordinate Bench decision in the case of *State of Bihar and Ors. vs. Md. Ahmad & Ors.* in LPA No. 51 of 2021, the present I.A. No. 02 of 2021 stands dismissed. Resultantly, the present LPA No. 477 of 2021 stands dismissed.

3. Pending I.A.(s), if any, stands dismissed.

(P. B. Bajanthri, J)

(Alok Kumar Pandey, J)

abhishekk/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	09.08.2024
Transmission Date	NA

