

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2263 of 2024

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Anil Kumar Rajak Son of Suresh Prasad Rajak, Resident of Village-
Ashanagar, Sangat Tola, P.S- Soh Sarai, District- Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Director General of Police, Bihar, Patna.
3. The Inspector General, Tirhut Range, Muzaffarpur.
4. The Superintendent of Police, Vaishali.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Amresh Kumar, Advocate
For the Respondent/s : Government Advocate (5)

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL JUDGMENT

Date : 07-03-2024

The limited grievance of the petitioner is that though the petitioner had filed an appeal before the Inspector General of Police, Tirhut Range, Muzaffarpur, against the order dated 04.03.2020, passed by the Superintendent of Police, Vaishali on 15.09.2022, the same has been dismissed merely on the ground of delay of more than two years in filing the said appeal.

2. The learned counsel for the petitioner submits that the petitioner is not well since a long time and is suffering from mental illness, for which



he is taking treatment from Central Institute of Psychiatry, Kanke, Ranchi, hence there was some delay in filing the appeal, thus the same be condoned and the appeal be directed to be considered on merits.

3. *Per contra*, the learned counsel for the respondent-State has though opposed the present petition, however, he is not averse to the idea of the appeal being remanded back to the appellate authority by this Court, in which case, the appeal would definitely be considered, in accordance with law.

4. Having regard to the facts and circumstances of the case, in the interest of justice and considering the equities prevailing in the present case, it would be appropriate that the matter is remanded back to the Inspector General of Police, Tirhut Range, Muzaffarpur to decide the appeal of the petitioner on merits, hence the order dated 03.07.2023, passed by the Inspector General of Police, Tirhut Range, Muzaffarpur is quashed, however the matter is remanded back to him to



consider the appeal, filed by the petitioner on merits and he is directed to pass a reasoned and a speaking order, in accordance with law, within a period of six weeks from today.

5. The writ petition stands allowed to the aforesaid extent.

(Mohit Kumar Shah, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	09.03.2024
Transmission Date	NA

