

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5499 of 2025

Abdul Fatah S/o Late Abdul Wahab, R/o Village and Post-Sikandarpur, P.S.-
Barhatia, G.B. Nagar, District-Siwan.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Divisional Commissioner, Siwan.
3. The District Magistrate, Siwan.
4. The Arms Magistrate, Siwan.
5. The Station House Officer, G.B. Nagar, Siwan.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Pramod Kumar Yadav, Adv.
For the Respondent/s : Mr.Government Pleader (27)

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

2 17-03-2026 Heard learned counsel for the parties.

2. Admittedly, the appellate authority seems to have dismissed this case on technical ground and the issues, which were placed for consideration, are related to the petitioner's right to life, which needs to be protected by the State authorities but, the manner in which the appellate authority seems to have passed the impugned order deserves to be interfered with by directing the appeal preferred by this petitioner to be adjudicated on merit.

3. On the other hand, the State does not dispute the factual position that the issue needs to be adjudicated on merit as it concerns the constitutional right of this petitioner.



4. Considering the fact that the issue needs to adjudicated on merit and since the order impugned has not been adjudicated and the same has been dismissed on technical ground, accordingly, the order dated 21.10.2024 is set aside and the Appeal (Arms Act) Case No. 174/2024 is restored to its original file and it is expected that the appropriate authority shall issue notice to the appellant by fixing a date and, after hearing the parties, will pass appropriate orders in accordance with law within a period of three months from the date of receipt/production of a copy of this order.

5. With the aforementioned observation, the writ application stands disposed of.

(Ajit Kumar, J)

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