

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.5281 of 2015

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Praveen Singh son of Sri Ram Das Singh, Resident of 38, Patal Babu Road,
Mundichak, Police Station- Tilka Manjhi (Kotwali), District- Bhagalpur.

.... Petitioner

Versus

1. The State of Bihar.
2. The Principal Secretary, Department of Home, Govt. of Bihar, Patna.
3. The Commissioner, Bhagalpur Division, Bhagalpur.
4. The District Magistrate, Bhagalpur.
5. The Senior Superintendent of Police, Bhagalpur.
6. The District Arms Magistrate, Bhagalpur.
7. The Dy S.P. Town, Bhagalpur.
8. The Police Inspector, Kotwali, Bhagalpur.
9. The Officer Incharge, Tilka Manjhi Police Station, Bhagalpur.

.... Respondents

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Appearance :

For the Petitioner : Mr. Siya Ram Sahi,
Mr. Md. Najmul Hodda, Advocates
For the State : Mr. Kumar Kamal Nayan, A.C. to S.C. 33

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 15-09-2015

Heard learned counsel for the petitioner and the State.

Petitioner is aggrieved by the order dated 14.07.2014
passed by the Collector-cum-Licensing Authority, Bhagalpur by
which his application for grant of licence for pistol has been rejected
on the ground that nothing emanates out of the report of the police
indicating any specific threat perception upon the petitioner.



This issue is no longer *res integra* inasmuch as this Court in a decision rendered in **C.W.J.C. No. 18535 of 2011 (Manish Kumar Vrs. State of Bihar)** and other analogous cases has already held that lack of specific evidence regarding threat perception cannot form a ground for refusal of licence under Section 14 of the Arms Act, 1959. That apart, threat perception does not mean that the petitioner should suffer actual threat upon his life or property or there should be an overt act upon him.

Accordingly, this writ application is allowed in terms of the aforesaid decision. The impugned order contained in Annexure 1 is quashed and set aside.

The matter is remitted back to the licensing authority to take fresh decision in accordance with law also considering the aforesaid decision of this Court as well as the fact that nothing adverse has been found and recorded in the order of the licensing authority contained in Annexure 1 so far his criminal antecedent and other materials are concerned, therefore, the petitioner would be fit to be granted licence unless any material which was available but could not be considered for any reason at that point of time or in view of any subsequent development after passing of the impugned order dated 14.07.2014, the petitioner has incurred disqualification for grant of licence under Section 13 read with Section 14 of the Arms Act. The

aforesaid decision should be taken within a period of three months
from the date of receipt/production of a copy of this order.

(Dr. Ravi Ranjan, J)

Sanjay-II/-

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