

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.7356 of 2013

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Piyush Kumar Singh S/O Tanuklal Singh R/O Village- Dan Nagar, Police Station-
Khagaria, District- Khagaria

.... Petitioner

Versus

1. The State Of Bihar
2. District Magistrate, Khagaria
3. Superintendent Of Police, Khagaria
4. Sub-Divisional Officer, Khagaria

.... Respondents

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Appearance :

For the Petitioner : Mr. Binod Kumar, Advocate

For the State : Mr. Kaushal Kumar Jha, AAG 14

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 25-08-2015

Heard learned counsel for the petitioner and the State.

It is submitted on behalf of the petitioner that even though he was acquitted from the charges in the cases concerned, the licensing authority has rejected his prayer for grant of arms licence on the ground of the report of the Superintendent of Police, Khagaria stating the involvement of the petitioner in the some cases. Petitioner has appended as Annexure 6 series to impress upon this Court that judgments of acquittal have been passed in the said cases.

In above view of the matter, this application is being disposed of with a liberty to the petitioner to file a fresh application before the licensing authority who shall consider the case of the petitioner and seek necessary verification report from the police

authority which, in its turn, would be required to submit the same after proper examination of all the cases still pending against the petitioner and also the cases in which the petitioner has been acquitted of the charges. The licensing authority, therefore, would be required to take a fresh decision, in accordance with law also following the law laid down by this Court in **C.W.J.C. No. 18535 of 2011 (Manish Kumar Vrs. State of Bihar) and other analogous cases** as one of the reasons for refusal in the order dated 10.12.2011 appear to be lack of discussion in the police report required threat perception. The petitioner would be required to submit certified copies of the concerned judgments passed in his favour acquitting him of the charges in the concerned criminal case. The aforesaid exercise should be completed by the authorities concerned within a period of three months from the date of receipt of fresh application filed by the petitioner along with a copy of this order.

It is also made clear that a fresh order should be passed by the licensing authority without being prejudiced by the earlier order refusing of arms licence to the petitioner.

(Dr. Ravi Ranjan, J)

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