

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11366 of 2015

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Dr. Vikash Kumar Singh, son of Late Dr. Pramod Kumar Singh, resident of
Mohalla-Civil Lines, Police Station- Sasaram, District- Rohtas

.... Petitioner

Versus

1. The State of Bihar through the District Magistrate, Rohtas at Sasaram.
2. The Divisional Commissioner, Patna

.... Respondents

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Appearance :

For the Petitioner : Mr. Siddharth Harsh

For the State : Mr. Gp32-Harish Kumar

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN
ORAL ORDER

2 05-10-2015 Heard learned counsel for the petitioner and the State.

The petitioner is aggrieved by the order dated 11.08.2010 passed by the District Magistrate-cum-Licensing Authority, Rohtas at Sasaram, by which he has rejected the application of the petitioner for grant of licence for N.P. bore rifle as well as the appellate order dated 22.07.2014/13.08.2014 passed by the Divisional Commissioner, Patna in Arms Appeal No. 257/2011 upholding the order of the licensing authority and dismissing the appeal.

The sole ground raised on behalf of the petitioner is that the petitioner's application for grant of arms licence has been rejected due to lack of evidence regarding any threat perception upon him.



It is contended on behalf of the petitioner that the impugned order is in teeth of a decision of this Court rendered in **C.W.J.C. No. 18535 of 2011 (Manish Kumar v. State of Bihar and others) and other analogous cases**, disposed of on 11.08.2015. It is further contended that the father of the petitioner was holding a licence for N.P. bore rifle and he became critically ill. Thereafter, the petitioner applied for grant of licence so that the firearm held by his father could be transferred in his favour, however, the application filed by the petitioner has been rejected.

In my view, the petitioner's application ought not have been rejected as lack of any evidence regarding threat perception upon the applicant does not form a ground for refusal of licence under section 14 of the Arms Act, 1959.

Accordingly, this application stands allowed, the impugned orders as contained in Annexures 1 and 2 are quashed and set aside and the matter is remitted back to the District Magistrate-cum-Licensing Authority, Rohtas at Sasaram, for fresh consideration in accordance with law also consider the decision of this Court rendered in **Manish Kumar (supra)** and the "Grant of Licences under Family Heirloom Policy" as now it has been informed by the

petitioner that his father has already died.

It is expected that the whole exercise would be completed by the licensing authority within a period of four months from the date of receipt/production of a copy of this order.

(Dr. Ravi Ranjan, J)

SC/-

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