

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3001 of 2014

=====

Vinod Kumar Mandal Son Of Narayan Manda Resident Of Mohalla- Naya Tola, Ward No. 18, P.S.- Naugachia, District- Bhagalpur

.... Petitioner

Versus

1. The State Of Bihar
2. The Commissioner, Bhagalpur Division, Bhagalpur
3. The District Magistrate, Bhagalpur
4. The Additional District- Magistrate (Legal), Bhagalpur
5. The Superintendent Of Police, Naugachia

.... Respondents

=====

Appearance :

For the Petitioner : Mr. Kamlesh Kumar Pathak, Advocate
For the State : Mr. Shashi Shekhar Pd. Sinha, AC to GA 13

=====

CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN
ORAL ORDER

2 30-11-2015 Heard learned counsel for the petitioner and the State.

This application has been filed for quashing of the order dated 17.09.2013 passed by the District Magistrate, Bhagalpur as well as the appellate order dated 19.12.2013 passed by the Commissioner, Bhagalpur in Arms Appeal No. 130/2013-14, vide order contained in Annexure 3, whereby petitioner's appeal has been dismissed upholding the order passed by the District Magistrate.

It is contended that both the orders are in teeth of the decision of this Court rendered in **Manish Kumar v. The State of Bihar and others and other analogous cases(2015(4) Patna Law Journal Reports 212)** as the refusal is on the ground that

the petitioner could not produce any evidence regarding threat perception upon him which has been held not to be a ground set forth under section 14 of the Arms Act for refusal of arms licence.

Accordingly, this writ application is allowed in terms of the decision of this Court rendered in **Manish Kumar (supra)**. Both the impugned orders are quashed and set aside and the matter is remitted back to the licensing authority to take fresh decision in the matter in accordance with law within a period of two months from the date of receipt/production of a copy of this order and while doing so he/she would be obliged to consider the aforesaid decision of this Court rendered in **Manish Kumar (supra)**.

(Dr. Ravi Ranjan, J)

SC/-

U			
---	--	--	--