

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.11478 of 2013

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Nishant Kumar Son Of Sri Binay Kumar Singh Resident Of Mohalla- Mahatma
Gandhi Nagar, Kanti Factory Road, Kankarbagh, Near Nala, P.S. Agamkuan, Town
And District- Patna

.... Petitioner

Versus

1. The State Of Bihar Through Home Secretary, Govt. Of Bihar
2. District Magistrate, Patna
3. District Arms Magistrate, Patna
4. Additional District Magistrate (Arms), Patna
5. Sr. Superintendent Of Police, Patna

.... Respondents

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Appearance :

For the Petitioner : M/s. Pankaj Kumar, Singh,
Gajendra Kumar Singh,
Vishwanath Pandey, Advocates
For the State : Mr. Manoj Kumar Jha, A.C. to G.P. 26

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 21-09-2015

This application was filed initially for a direction to the District Magistrate, Patna to take a final decision with respect to the application of the petitioner for grant of licence for D.B.B.L. Gun. However, during the pendency of the writ petition, final decision was taken refusing the licence of the petitioner which was challenged in Arms Appeal No.65/2014 before the Divisional Commissioner, Patna, by which the impugned order of the District Magistrate was set aside and the matter was remitted back for fresh consideration in view of the Family Heirloom Policy as the petitioner's case is that his father-

in-law is having licence but in view of the old age, he is ready to surrender so that gun could be transferred in the name of the petitioner. However, it is contended that though the order was passed by the appellate authority remanding the matter for fresh consideration on 04.09.2014, still no decision has been taken as yet by the licensing authority.

Accordingly, this writ application is being disposed of with a direction to the licensing authority to take a decision in accordance with law also considering the Family Heirloom Policy within two months from the date of receipt/production of a copy of this order. While doing so, he would be obliged to consider the decision rendered in **C.W.J.C. No. 18535 of 2011 (Manish Kumar Vrs. State of Bihar)** and other analogous cases.

(Dr. Ravi Ranjan, J)

Sanjay-II/-

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