

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.22314 of 2013

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Kunwar Ajit Singh Son Of Late Makeswar Singh Resident Of Village - Adarsh
Colony Road No - 1, Khemani Chak, P.S. Ramkrishna Nagar District Patna

.... Petitioner

Versus

1. The State Of Bihar
2. The Home Secretary State Of Bihar
3. The District Magistrate, Patna
4. The Sr. Superintendent Of Police Patna
5. The Sub Divisionl Magistrate Patna
6. The District Arms Magistrate Patna
7. The Deputy Superintendent Of Police Patna
8. The Officer Incharge R.K. Nagar, P.S. Patna

.... Respondents

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Appearance :

For the Petitioner : Mr. PREM RANJAN KUMAR, Advocate
For the State : Mr. Himashu Kumar Akela, AC to GA 1

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 25-08-2015

I.A. No. 6882 of 2015

Petitioner is permitted to make necessary correction in
paragraph no. 1 and at page no. 9 of the Interlocutory
Application.

This interlocutory application has been filed for
amendment in the relief portion of the writ petition by addition of
relief in paragraph no. 1.

It is contended that the District Magistrate, Patna, i.e.,
respondent no. 3, has rejected the request of the petitioner for
grant of N.P. Bore licence on the ground of lack of evidence
regarding threat perception upon him.

Since the aforesaid order has been passed during the pendency of the writ application, the I.A. No. 6882 of 2015 is allowed. Let the relief mentioned in paragraph no. 1 and the averments made in support thereof form part of the writ petition.

C.W.J.C. No. 22314 of 2013

Heard the learned counsel for the petitioner and the State.

In view of the nature of the order which is proposed to be passed in this writ application, the same is being disposed of without waiting for any counter affidavit on behalf of the State on Annexure 1 appended with the Interlocutory Application.

From the impugned order it is clear that the same is in teeth of the law laid down in a decision rendered by this Court in C.W.J.C. No. 18535 of 2011 (Manish Kumar v. The State of Bihar and others) and its analogous cases disposed of on 11.08.2015 as sole ground of lack of threat perception has been held not to be a ground for refusal of arms licence.

Accordingly, this application stands allowed in terms of the order dated 11.08.2015 passed in C.W.J.C. No. 18535 of 2011 (Manish Kumar v. The State of Bihar and others) and its analogous cases, the impugned order dated 12.12.2013 contained in Annexure 1 is quashed and set aside and the matter is remitted back to the District Magistrate, Patna, i.e., respondent no. 3, for

fresh consideration and taking a decision in accordance with law
within a period of eight weeks from the date of receipt/production
of a copy of this order.

(Dr. Ravi Ranjan, J)

SC/-

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