

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.13169 of 2013

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Ghanshyam Murari Son Of Late Ram Naresh Paswan Resident Of Village + Post-
Daffarpur, P.S.- Nawkothe, District- Begusarai

.... Petitioner

Versus

1. The State Of Bihar
2. The Division Commissioner, Munger
3. District Magistrate, Begusarai
4. The District Superintendent Of Police, Begusarai
5. The Sub-Divisional Police Officer, Majhaul, Begusarai
6. The S.D.O. Majhaul Begusarai
7. The Officer-Incharge Nawkothe Police Station, Begusarai

.... Respondents

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Appearance :

For the Petitioner : Mr. Arun Kumar Singh, Advocate
For the State : Mr. Sushant Praveer, AC to SC 27

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 22-09-2015

Heard learned counsel for the petitioner and the State.

Petitioner is aggrieved by the order dated 22.10.2009/20.3.2010, as contained in Annexure 4, passed by licensing authority by which his application for grant of license for holding N.P. Bore rifle has been rejected on two grounds. First ground is that the petitioner has not been able to substantiate by leading cogent evidence that there is a threat perception upon him and secondly that the Superintendent of Police has merely forwarded his case but he has not been made any recommendation.

Petitioner has also preferred Arms Appeal No. 31/2010

against the aforesaid order which has also been dismissed vide order dated 3.11.2010 contained in Annexure 5.

In my considered view the impugned orders cannot be sustained in law.

It has already been held by this Court in **C.W.J.C. No. 18535 of 2011 (Manish Kumar Vrs. State of Bihar) and other analogous matters** that neither Section 13 of the Arms Act, 1959 requires that the petitioner should be ready with the cogent evidence showing that there is threat perception upon him nor does the same forms a ground for refusal of licence under Section 14 of the Act. Threat perception does not mean that there should be actual threat or specific overt act upon the applicant rather apprehension is enough. . Secondly, if the Superintendent of Police has merely forwarded the application of the petitioner without recommending it then, for his fault, the petitioner cannot be penalized. Another report could easily have been sought from the Superintendent of Police.

Accordingly, the impugned orders contained in Annexures 4 and 5 are quashed and set aside.

However, the matter is remitted back to the licensing authority to pass a fresh order in accordance with law within a period of three months from the date of receipt/production of a copy of this order.

This writ application stands allowed.

(Dr. Ravi Ranjan, J)

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