

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.15644 of 2013

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Avijet Kumar, S/O Sri Arvind Kumar Singh, Resident of Village- Pura, P.S-
Tekari, District- Gaya at Present Residing at Moti Bhawan, Chik Lane, Langartoli,
Bari Road, P.S- Kadamkuan, Town And District- Patna.

.... Petitioner

Versus

1. The State of Bihar
2. The District Magistrate, Patna.
3. The Additional District Magistrate, (Arms), Patna.
4. The Arms, Magistrate, Patna.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Subroteswar De, Advocate

For the Respondent/s : Mr. Rajesh Ranjan, AC to G.A.-8.

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN
ORAL JUDGMENT

Date: 05-10-2015

I have heard learned counsel for the petitioner and the
State.

I.A.No.6688 of 2015 has been filed for challenging the
order dated 30.08.2013 passed by the Licensing Authority, as
contained in Annexure-5, rejecting the application of the petitioner for
grant of arms licence for NP Bore Revolver/Pistol.

It appears that after filing of this writ application on
12.08.2013, the aforesaid order has been passed during the pendency
of the writ application. Ordinarily, this Court would have relegated
the petitioner to avail the statutory remedy of appeal, however, in
view of the nature of the impugned order and the fact that the same

has been passed during the pendency of this writ application, I.A.No.6688/2015 stands allowed. The petitioner is permitted to challenge Annexure-5.

A counter affidavit has been filed on behalf of the State taking a stand that final order has already been passed.

However, from bare perusal of the order, it appears that the same is in teeth of the decision dated 11.08.2015 rendered by this Court in ***CWJC No.18535 of 2011 (Manish Kumar Vs. The State of Bihar and Ors.) and other analogous matters***. Neither Section 13 nor Section 14 of the Arms Act, 1959 declares that at the time of filing of an application for grant of arms licence, the applicant should be ready with the documentary proof with respect to threat perception upon him. This Court in the aforesaid decision has already held that threat perception does not mean that there should be actual threat or specific over act upon the applicant rather apprehension of the same would be enough. That apart, it has further been held in the aforesaid case that absence of specific evidence regarding threat perception cannot form a ground for refusal of arms licence under Section 14 of the Arms Act.

Accordingly, this writ application succeeds. The impugned order as contained in Annexure-5 is quashed and set aside. The matter is remitted back to the Licensing Authority to take a fresh

decision upon the application of the petitioner for grant of arms licence in accordance with law within a period of four months from the date of receipt/production of a copy of this order.

However, while passing of such order, he would be obliged to consider each and every aspect of the matter including the aforesaid decision of this Court.

It appears from the impugned order that sole ground for rejection was lack of evidence regarding any threat perception upon the petitioner, therefore, in such case, the petitioner would be entitled for grant of arms licence if he is otherwise not found to be unfit for any reason provided under the Act.

(Dr. Ravi Ranjan, J)

V.K. Pandey/-

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