

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20326 of 2013

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Sudama Singh son of Kamta Prasad Singh, resident of village Yogibir, Post
Kamiriyav, P.S. Tiyer, District Bhojpur,

.... Petitioner

Versus

1. The State of Bihar through the District Magistrate, Bhojpur at Ara,
2. The Superintendent of Police, Bhojpur at Arah,

.... Respondents

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Appearance :

For the Petitioner : Mr. Sumant Kumar Singh, Advocate

For the State : Mr. Chandra Shekhar Singh, AC to GP 16

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN
ORAL ORDER

3 13-10-2015 Heard learned counsel for the petitioner and the

State.

As prayed, learned counsel for the petitioner is
permitted to make necessary correction with respect to the
number of Annexure which has been appended with
Interlocutory Application No. 8472 of 2015.

Interlocutory Application No. 8472 of 2015 has
been filed on behalf of the petitioner seeking amendment in
the relief portion of the writ petition as the petitioner now
wants to challenge the order passed by the District
Magistrate-cum-Licensing Authority, Bhojpur at Ara, as
contained in Annexure 3.

Prayer is allowed.

The relief mentioned in paragraph 2 of the

Interlocutory Application would form part of the writ petition.

In view of the nature of the proposed order, the matter has finally been heard at this stage without further waiting for filing of the counter affidavit on behalf of the State in view of the aforesaid amendment.

It is contended on behalf of the petitioner that the application filed by him has been rejected by the District Magistrate-cum-Licensing Authority on the ground that he has not been able to produce any specific evidence along with his application for grant of arms licence showing that there exists any threat perception upon him. It is submitted the impugned decision is in teeth of a decision of this Court rendered in **C.W.J.C. No. 18535 of 2011(Manish Kumar v. State of Bihar and others)** and **other analogous cases** holding that neither section 13 of the Arms Act, 1959(hereinafter to be referred to as “the Act”) specifies that along with the application such evidence should be produced by the applicant nor does it stand stated in section 14 of the Act that refusal can be made on such ground.

Accordingly, this writ application stands allowed in terms of the aforesaid decision and the matter is remitted

back to the District Magistrate-cum-Licensing Authority,
Bhojpur at Ara to take a final decision on its own merit and
in accordance with law within a period of three months from
the date of receipt/production of a copy of this order.

(Dr. Ravi Ranjan, J)

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