

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.17740 of 2013

Swetank Shekhar S/O Sri Devanand Roy Resident Of Anand Niketan Co-Operative Society, Road No. 15 H, P.O- Keshari Nagar, P.S- Rajeev Nagar, District And Town, 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

.... Respondents

Appearance :

For the Petitioner : Mr. MD. SHAKIR AHMAD, Advocate
For the State Mr. RAJESH KUMAR, AAG 14

CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 25-08-2015

Heard the learned counsel for the petitioner and the State.

Petitioner, who is a businessman, seeks quashing of the order dated 30.04.2013 contained in Annexure 5 passed by the District Magistrate, Patna, i.e., respondent no. 2, by which his application for grant of arms licence for N.P. Bore revolver/pistol has been rejected on the ground of lack of evidence regarding threat perception upon him and also in view of the advisory/directory issued by the Home Ministry of the Central Government vide letter No. V-11016/16/2009-Arms dated 31.03.2010.

It is submitted that the issue concerned has already been set at rest by a decision of this Court rendered 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, holding that the arms licence cannot be rejected on the ground that no cogent evidence could be produced by the applicant indicating that there is threat perception upon him. It has also been held that threat perception does not mean that the applicant should actually suffer any assault or specific overt act. Mere apprehension is enough. It is urged that the licence being sought for safety of life and property and as a citizen the applicant has a right to protect himself, such right, therefore, cannot be brushed aside on the aforesaid ground easily.

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 30.04.2013 contained in Annexure 5 is quashed and set aside and the matter is remitted back to the District Magistrate, Patna, i.e., respondent no. 2, 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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