

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.4607 of 2015

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Kameshwar Prasad Singh, son of Sri Ram Anuj Singh, resident of Usha Sadan ,
Manick Chand Tolab , Anisabad , Police Station- Gardanibagh, District- Patna.

.... Petitioner

Versus

1. The State of Bihar
2. Commissioner, Patna Division, Patna.
3. Collector -Cum-District Magistrate, Patna.
4. Senior Superintendent of Police, Patna.
5. Officer-in-Charge , Gardanibagh, Police Station - Patna.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Raj Shekhar, Advocate

For the Respondent/s : Mr. Mahendra Prasad Verma, AC to SC-13.

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN
ORAL JUDGMENT

Date: 15-09-2015

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

The petitioner seeks quashing of the order dated
1.11.2014/3.11.2014 passed by the licensing authority-cum-District
Magistrate, Patna by which the petitioner's application for grant of
licence of N.P.Bore Rifle has been rejected on the ground that it does
not appear from the report of Senior Superintendent of Police, Patna
that there is any evidence regarding threat perception upon the
petitioner.

In my considered view, this issue is no longer *res integra*.

This Court vide its decision dated 11.08.2015 passed in CWJC

No.18535 of 2011 and other analogous matters has already decided that the lack of evidence regarding threat perception upon the applicant cannot form a ground for refusal of arms licence under Section 14 of the Arms Act, 1959.

Accordingly, this application stands allowed in terms of the aforesaid decision. The impugned order is quashed and set aside. The matter is remitted back to the District Magistrate, Patna for fresh consideration in accordance with law and also considering the fact that the ground of refusal is only the lack of any evidence with respect to threat perception which has already been held to be a non-est ground.

It is expected that the entire exercise would be completed within a period of three months from the date of receipt/production of a copy of this order.

(Dr. Ravi Ranjan, J)

V.K. Pandey/-

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