

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.7811 of 2015

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Bijay Singh, Son of Late Chataragun Singh, Resident of Village- Ghorwach (Chtar Toli) P.S.-Pushpi, P.S.- Dinara, District- Rohtas.

.... Petitioner

Versus

1. The State of Bihar.
2. The Commissioner Patna Division, Patna.
3. The District Magistrate, Rohtas at Sasaram.
4. The Sub-Divisional Magistrate, Bikram Ganj, Rohtas.

.... Respondents

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Appearance :

For the Petitioner : Mr. Kameshwar Singh, Advocate

For the State : Mr. Sumant Kr. Singh, A.C. to G.A. 3

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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 24.11.2012 passed by the District Magistrate-cum-Licensing Authority, Rohtas at Sasaram as well as the appellate order dated 22.07.2014/13.08.2014 passed by the Commissioner in Arms Appeal No.105/2013. It is contended on behalf of the petitioner that application has been rejected on the ground of lack of threat perception though the petitioner's uncle was killed and, thereafter, licence has been issued in the name of his cousin brother.

In my opinion, the order impugned is in teeth of a decision of this Court rendered in **C.W.J.C. No. 18535 of 2011**

(Manish Kumar Vrs. State of Bihar) and other analogous cases holding that lack of production of specific evidence regarding threat perception cannot from a ground for refusal of licence under Section 14 of the Arms Act, 1959.

Accordingly, both the impugned orders are quashed and set aside. The matter is remitted back to the respondent no.3, the District Magistrate, Rohtas at Sasaram to take a fresh decision in accordance with law also considering the aforesaid decision of this Court within a period of four months from the date of receipt/production of a copy of this order.

(Dr. Ravi Ranjan, J)

Sanjay-II/-

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