

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.2108 of 2014

Binod Pandey Son Of Sri Gaya Pandey Resident Of Village - Chintawan Bigha,
P.S. - Kutumba, District - Aurangabad

.... Petitioner

Versus

1. The State Of Bihar
2. The District Magistrate, Aurangabad
3. The Superintendent Of Police, Aurangabad
4. Sub-Divisional Police Officer, Aurangabad
5. S.D.O. , Aurangabad
6. Circle Inspector, Nabinagar, Aurangabad
7. In-Charge, Kutumba Police Station , District - Aurangabad

.... Respondents

Appearance :

For the petitioner : Mr. Santosh Kr. Pandey, Advocate

For the State : A.C. to Kundan Bahadur Singh, (S.C. 22)

CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 08-12-2015

I.A. No.8591 of 2015:

Heard.

This interlocutory application has been filed for the amendment in the writ petition by introduction of another relief for quashing Annexure 7 which is decision dated 26.07.2014 by which the District Magistrate-cum-Licensing Authority, Aurangabad has refused to grant arms licence to the petitioner.

In view of the admitted fact that the writ petition was filed seeking direction to the respondents to grant arms licence upon his application submitted to the authority concerned and the order has

been passed during the pendency of the writ petition, the I.A. No.8591 of 2015 is allowed. The petitioner is permitted to assail the Annexure 7 appended with the aforesaid interlocutory application. The averments made in this application with respect to the same would also form part of the writ petition.

C.W.J.C. No.2108 of 2014:

Heard the parties.

Petitioner seeks quashing of the Annexure 7 by which his application for grant of arms licence has been rejected by the Licensing Authority on the ground that he has not been able to produce any evidence regarding threat upon him and, apart from that, he has also not stated regarding what type of firearm he would be required. However, it is submitted on behalf of the petitioner that though it is true that in the application he has not filled such column but immediately he filled another application after filling up such column. The original records produced by the State also reveal that second application is also in record.

Thus, in my view, the Licensing Authority could have considered the second application and decided it. So far as threat perception is concerned, the issue is no longer *res integra* as the same has been considered and decided by this Court in **Manish Kumar Vrs. State of Bihar and other analogous cases [2015(4)**

PLJR 212] holding that non-production of evidence regarding specific threat perception upon the applicant does not form a ground for refusal of arms licence under Section 14 of the Arms Act, 1959.

As a result, this writ petition succeeds. The impugned order as contained in Annexure 7 is quashed and set aside. The matter is remitted back to the Licensing Authority for fresh consideration 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)

Sanjay-II/-

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