

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.18793 of 2013

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Abhay Kumar Singh Son Of Late Banshidhar Singh Resident Of Village- Chhapra,
P.S.- Akodhigola, District- Rohtas (Sasaram)

.... Petitioner

Versus

1. The State Of Bihar
2. The District Magistrate, Rohtas (Sasaram)
3. The Superintendent Of Police, Rohtas (Sasaram)
4. The District Arms Magistrate, Rohtas (Sasaram)
5. The Sub- Divisional Officer, Dehri, P.S.- Dehri, District- Rohtas (Sasaram)

.... Respondents

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Appearance :

For the Petitioner : Mr. Manish Kumar No 13, Advocate
For the State : Mr. Prashant Kumar, A.C. to G.P. 8

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 06-10-2015

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 by which his application for grant of arms licence for DBBL gun has been rejected on the ground that he has not been able to come up with any specific documentary or other evidence indicating that there is a threat perception upon him. Some arms policy of the Home Ministry is quoted in the order and, interestingly, though it stands stated therein that holding of sophisticated arms by the conflicting parties directly contributes towards lethality of violent acts but one of the grounds for rejection the application has been taken (in paragraph no.3) that there

has not been any quarrel or altercation of the petitioner with anybody.

In my view both are in contradiction to each other.

Be that as it may, since the main issue is no longer *res integra* as this Court has decided the same 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 with regard to threat perception does not form a ground under Section 14 of the Arms Act, 1959 for refusal of licence, this writ application stands allowed in terms of the aforesaid decision. The impugned order is quashed and set aside. The matter is remitted back to the licensing authority for taking a fresh decision in accordance with law. While doing that, he would also take into account the various judicial pronouncements of this Court including the aforesaid decision. It is expected that the entire exercise would be completed 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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