

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.10954 of 2013

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Manoranjan Singh S/O Sri Rajballabh Prasad Singh Resident Of Mohalla- Pani
Tanki Road, Khajekala, Patna City, P.S. Khajekala, 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
5. Senior S.P., Patna
6. Station House Officer, Khajekala Police Station, Patna

.... Respondents

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Appearance :

For the Petitioner : M/s. Pankaj Kumar Singh,
Gajendra Kumar Singh, Advocates
For the State : Mr. Manoj Kumar Ambastha, G.P. 14,
Mr. Sanjay Kumar Pandey, A.C. to G.P. 14

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 21-09-2015

Heard learned counsel for the petitioner and the State.

This writ application has been filed for a direction to the
licensing authority to take a decision in accordance with law on the
application dated 04.04.2013 filed by the petitioner for grant of arms
licence for N.P. Bore revolver/pistol. However, during the pendency
of the writ application, a final decision was taken by the Licensing
Authority-cum-District Magistrate, Patna vide Annexure B appended



with the counter affidavit on 23.01.2014 refusing the licence on the ground that the petitioner does not have any threat perception. Petitioner has stated that he is a contractor and is engaged in construction business in the name & style of “M/s. Land Mark Construction”. It is also submitted that his partner has been murdered and F.I.R. was lodged in that regard also. Petitioner has challenged the order of refusal by filing Arms Appeal No.189/2014 which is pending before the Divisional Commissioner, Patna. He has appended the order-sheet as contained in Annexure 9 series of the aforesaid appeal. It appears that the appeal was heard on 24.04.2014 and though on 19.08.2014 it was directed to be put up for order. However, it was again heard on 08.01.2015 and it was again posted for final order on 10.02.2015, but the same could not be passed due to transfer of the incumbent on the post.

In above view of the matter, this writ application is being disposed of with a direction to the Divisional Commissioner, Patna to dispose of the Arms Appeal No. 189/2014 in accordance with law within two months from the date of receipt/production of a copy of this order. However, while passing the final order, he would also be obliged to consider the 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 evidence regarding specific

threat perception cannot from a ground for refusal of licence under Section 14 of the Arms Act, 1959 and also that one of the partners of the petitioner’s firm has been murdered.

(Dr. Ravi Ranjan, J)

Sanjay-II/-

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