

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.14700 of 2013

Prabhu Narayan Singh S/O Late Rajeshwari Singh Resident Of Village- Dedhgaon,
P.S- Dawath, District- Rohtas.

.... Petitioner

Versus

1. The State Of Bihar Through The Principal Secretary, Department Of Home, Govt. Of Bihar, Patna.
2. The District Magistrate, Rohtas At Sasaram.
3. The Superintendent Of Police, Rohtas At Sasaram.
4. The District Arms Magistrate, Rohtas At Sasaram.
5. The Officer In Charge, Dawath Police Station, Dawath, District- Rohtas At Sasaram.

.... Respondents

Appearance :

For the Petitioner : Mr. Raghunandan Kumar Singh, Advocate
For the State : Mr. Jay Prakash Sharma, A.C. to G.P. XI

CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 28-09-2015

Heard learned counsel for the petitioner and the State.

Petitioner is aggrieved by the order dated 31.08.2012 (Annexure 6) passed by the District Magistrate-cum-Licensing Authority, Rohtas at Sasaram by which his application for grant of licence has again been rejected on the ground of lack of any documentary or other evidence regarding any threat upon his life or property. Petitioner application was rejected on earlier occasion also by the licensing authority. The petitioner preferred appeal no.35/2010 against that which was allowed and the matter was remitted back for taking a fresh decision. However, again order of rejection has been

passed on the aforesaid ground which is in teeth of a decision rendered by this Court in **C.W.J.C. No. 18535 of 2011 (Manish Kumar Vrs. State of Bihar) and other analogous cases** holding that lack of specific documentary or other evidence regarding threat perception cannot form a ground for refusal of licence under Sections 13 or 14 of the Arms Act, 1959.

Accordingly, this writ application stands allowed. The impugned order is quashed and set aside. The matter is remitted back to the licensing authority for taking a fresh decision in the matter in accordance with law. It is made clear that, since no other ground for refusal has been taken in the impugned order, if the petitioner is not found involved in any criminal case or if there is no development subsequent to the date of the impugned order disentitling the petitioner from getting the arms licence under Sections 13 or 14 of the Act, he would be entitled for grant of the same.

(Dr. Ravi Ranjan, J)

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