

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.3843 of 2014

Pranav Ranjan Son Of Shri Priya Ranjan Sharma, Resident Of Mohalla:-
Bhawanipur Jirat, P.S.:- Chhatauni, District:- East Champaran, Motihari

.... Petitioner

Versus

1. The State Of Bihar, Through The Commissioner Tirhut Division, Bihar, Patna
2. The District Magistrate Of The District East Champaran, Motihari
3. The Superintendent Of Police, East Champaran, Motihari
4. The Officer Incharge Of Sadar Thana Motihari, East Champaran

.... Respondents

Appearance :

For the Petitioner : Mr. Dhananjay Kumar,
Mr. Sunil Prasad, Advocates
For the State : Mr. Sunil kr. Mandal, S.C.24,
Mr. Bipin Kumar, A.C. to S.C.24

CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 01-12-2015

I.A. No.8767 of 2015:

Heard.

This interlocutory application has been filed for amendment in the writ petition. The petitioner had filed the writ petition seeking direction to the licensing authority to take a final decision regarding grant of arms licence to him on remand of the matter by the Divisional Commissioner. However, during the

pendency of the writ petition, the order dated 26.06.2015, as contained in Annexure 7 to the aforesaid interlocutory application has been passed by the Collector-cum-Licensing Authority, East Champaran rejecting the request of the petitioner.

In above view of the matter, since the impugned order has been passed during the pendency of this case, the petitioner is permitted to assail the same in this writ petition. Accordingly, I.A. No.8767 of 2015 stands allowed. Let Annexure 7 and the averments made with respect to the aforesaid form part of the writ petition.

C.W.J.C. No.3843 of 2014:

Heard learned counsel for the petitioner and the State.

The petitioner was refused arms licence vide Annexure 1 in the year 2006. The order was challenged before the Commissioner, Tirhut Division, Muzaffarpur, who had directed the Licensing Authority to take appropriate decision afresh after hearing the petitioner. Thereafter, the matter remained pending. In the year 2013, when no decision was taken even in view of the direction of the appellate authority, the present writ petition came to be filed by the petitioner, however, during the pendency, the impugned order has been passed.

The rejection is on the ground that the petitioner has not been able to come up with specific evidence regarding threat faced by

him or his family members. It is also stated that he is a farmer and his annual income also does not put him in any high risk threat category.

In my considered view, both the grounds are not valid for the purpose of refusal of the arms licence. The issue is no longer *res integra* as the same has already been considered and decided in **Manish Kumar Vrs. State of Bihar and other analogous cases [2015(4) PLJR 212]** holding that threat perception does not mean that a person, to qualify for grant of arms licence, should face actual overt act. Even apprehension of threat would be enough. Petitioner claims that, as per report of the police, area concerned is extremist affected zone. This Court has held that non-production of specific evidence regarding threat perception cannot form a ground for refusal of arms licence under Section 14 of the Arms Act, 1959. That apart, Section 14(2) of the aforesaid Act lays down in clear terms that the licensing authority shall not refuse to grant any licence to any person merely on the ground that such person does not own or possess sufficient property. Thus, in my view, the order impugned cannot be sustained in law and, accordingly, the same is quashed and set aside. The matter is remitted back to the Licensing Authority to take a fresh decision in accordance with law and while doing so, he would be obliged to consider the decision rendered in **Manish Kumar (supra)**. It is expected that the whole exercise would be completed within a

period of two months from the date of receipt/production of a copy of this order.

Accordingly, this writ application is allowed.

(Dr. Ravi Ranjan, J)

Sanjay-II/-

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