

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.16677 of 2013

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Surya Pratap Singh S/O Sri Keshvendra Pratap Singh Resident Of Tarkeshwar
Sadan, New Kulharia House, Exhibition Road, P.O. G.P.O., P.S. Gandhi Maidan,
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 Null Null
4. Additional District Magistrate (Arms), Patna

.... Respondents

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Appearance :

For the Petitioner : Mr. Md. Shakir Ahmad, Advocate

For the State : M/s Upendra Prasad Singh and
S.K. Mallik, AC to SC 25

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 25-08-2015

Heard the learned counsel for the petitioner and the
State.

Petitioner's application for grant of licence for SBBL
gun has been rejected on the ground of lack of any evidence
regarding threat perception upon him.

It is submitted on behalf of the petitioner that his father
was holding a licence and was possessing a SBBL gun. After
his death the gun was deposited before the Arms Dealer who
had granted a receipt appended as Annexure 1. Thereafter, the
petitioner has applied for grant of arms licence for SBBL gun
so that he could keep the aforesaid gun which belonged to his
father, however, as stated above, the same has been rejected on

the aforesaid ground which is not provided under the provisions contained for refusal of arms licence, i.e., section 14 of the Arms Act.

In my considered opinion, this case is squarely covered by a decision of this Court rendered in C.W.J.C. No. 18535 of 2011 (Manish Kumar v. The State of Bihar and others) and its analogous cases disposed of on 11.08.2015 holding that the arms licence cannot be refused on the ground that no cogent evidence could be produced by the applicant indicating that there is threat perception upon him. It has also been held that threat perception does not mean that the applicant should actually suffer any assault or specific overt act. Mere apprehension is enough. The licence being sought for safety of life and property and as a citizen the applicant has a right to protect himself, such right, therefore, cannot be brushed aside easily on the aforesaid ground.

Accordingly, this application stands allowed in terms of the order dated 11.08.2015 passed in C.W.J.C. No. 18535 of 2011 (Manish Kumar v. The State of Bihar and others) and its analogous cases. The impugned order dated 09.07.2013 contained in Annexure 3 is quashed and set aside and the matter is remitted back to the District Magistrate, Patna, i.e.,

respondent no. 2, for fresh consideration and taking a decision 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)

SC/-

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