

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.7935 of 2015

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1. Sanjay Kumar Singh Son of Shiv Kumar Singh Resident of village- Rahtauli,
Police Station- Hathauri, District- Samastipur.

.... Petitioner

Versus

1. The State of Bihar through the Commissioner, Darbhanga Division Darbhanga.
2. The District Magistrate, Samastipur.
3. The Superintendent of Police, Samastipur.
4. The District Arms Magistrate, Samastipur.
5. The Officer in Charge Hathauri Police Station, District- Samastipur.

.... Respondents

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Appearance :

For the Petitioner : Mr. Ajay Kumar Tiwari, Advocate

For the State : AC to GP 10

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 28-09-2015

Heard learned counsel for the petitioner and the State.

The petitioner is aggrieved by the order dated 18.07.2014 passed by the District Magistrate-cum-Licensing Authority, Samastipur, by which he has rejected the petitioner's application for grant of arms licence.

It is contended on behalf of the petitioner that his grand father was granted arms licence and was holding a gun, however, after his death that has been deposited with the Arms Dealer, namely, Capital Gun House, Dharampur, Samastipur. Thereafter, the petitioner has applied for licence in his favour so that the aforesaid firearm belonging to the grand father of the petitioner could be held by him.

It appears from the impugned order that the order of refusal was passed on the ground of lack of evidence regarding threat

perception upon the petitioner and also on the ground that the Superintendent of Police has not recommended his case rather he has merely forwarded the same.

In my considered view, the order impugned cannot be sustained. If the Superintendent of Police had merely forwarded the matter of the petitioner and then he could have sought a fresh report could have been sought for from the concerned Superintendent of Police. Secondly, this Court, in a decision rendered in C.W.J.C. No. 18535 of 2011(Manish Kumar v. State of Bihar and others) and other analogous matters, has already held that lack of production of evidence regarding specific threat perception does not form a ground for refusal of arms licence under section 14 of the Arms Act, 1959.

Accordingly, this writ application succeeds and the impugned order contained in Annexure 1 is quashed and the matter is remitted back to the District Magistrate-cum-Licensing Authority, Samastipur, for fresh consideration in accordance with law. While doing so he will also consider the “Family Heirloom Policy”. It is expected that the whole 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)

SC/-

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