

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.23642 of 2013

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1. Bachchan Kumar @ Bachan Kumar S/O Jairam Sharma Resident Of
Village Belsar, P.S- Mahendia, District- Arwal.

.... Petitioner/s

Versus

1. The State Of Bihar
2. The Commissioner, Magadh Division, Gaya.
3. The District Magistrate, Arwal.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr.Jitendra Kr. Roy No.1
Ms. Usha Kumari Singh
For the Respondent/s : Mr. Satyendra Rai , Adv.

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN
ORAL ORDER

2 23-11-2015

Heard learned counsel for the petitioner and the
State.

Petitioner seeks quashing of the order of
licensing authority dated 23.09.2012 by which the application for
grant of arms licence has been rejected. He also seeks quashing
of the order dated 13.09.2012 contained in annexure-2 by which
the Commissioner Magadh Division has dismissed the appeal No.
34 of 2010 preferred against the aforesaid order.

It appears that the petitioner's application has
been rejected on two grounds. Firstly, that the petitioner has not
filled up necessary column as he has not given his present address
and also has not disclosed in the application as to at which place

the arms and ammunition would be kept by him.

Secondly, the rejection is also on the ground that there is no threat perception. So far as the second ground is concerned, the issue is no longer *res integra* as the same stands considered and decided in **[2015(4)PLJR] Manish Kumar Vs. State of Bihar** holding that lack of production of specific evidence regarding threat perception cannot be a ground for refusal of licence as threat perception does not mean that the applicant should actually suffer assault or any overt act. Mere apprehension of threat would be enough.

The order impugned, thus, in my considered view cannot be sustained on the ground that there was no threat perception upon the petitioner. However, at the same time, necessary information is required to be given carefully while filling up the application form for grant of licence which has not been done by the petitioner.

In above view of the matter, this application is being disposed of with a liberty to the petitioner to make a fresh application for grant of licence which should be considered by the licensing authority by taking decision within a period of three months from the date of filing of the same along with a copy of this order in accordance with law. However, though the order

impugned has not been set aside due to the reason that admittedly the petitioner has not given the required information in this application form but the licensing authority would be obliged to consider the decision of this Court rendered in *Manish Kumar (Supra)* while considering the issue of threat perception. The order passed by the licensing authority must be without being prejudiced by its earlier order or the order passed by the appellate authority.

(Dr. Ravi Ranjan, J)

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