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.... Petitioner/s

1. The State Of Bihar
2. The Home Commissioner, Government Of Bihar, Patna
3. The Commissioner, Patna Division, Patna
4. The District Magistrate, Bhojpur At Ara
5. The Superintendent Of Police, Bhojpur At Ara
6. The District Arms Magistrate, Bhojpur
7. The Officer-In-Charge Of Police Station-Tiyar District- Bhojpur At Ara

Appearance :

CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN
ORAL ORDER

In view of the fact that the aforesaid order has been passed during the pendency of this writ application the I.A. No. 7016 of 2015 is allowed.

Let the relevant amendment in paragraph 1 of the aforesaid I.A. as well as the relevant documents appended in

support of the same form part of this writ application.

Counter affidavit has been filed on behalf of the State defending the aforesaid order passed by which arms license has been refused. Therefore, there is no requirement for further direction to the State for filing further affidavit.

Impugned order contained in annexure-3 of the I.A. No. 7016 of 2015 seems to be cryptic in nature. Though it discloses that the same has been passed on the basis of the recommendation of the Superintendent of Police, however, in paragraph 7 of the counter affidavit it has been stated that since armed license was granted to the father of the petitioner the same was not required to be given to the petitioner. It is also stated that the Superintendent of Police has not recommended for grant of license. The report of the police has also been appended which discloses the aforesaid fact.

In my considered opinion rejection in view of licence already having been granted to the father of the petitioner is not a valid ground under sections 13 and 14 of the Arms Act. The report of the police is also cryptic and unreasonable. Though it is specifically stated that the grandfather of the petitioner was killed on 16.04.2011 due to some land dispute, at the same time, it is stated that there is no

requirement for grant of licence to the petitioner. That apart the petitioner has appended a list showing that many persons have been granted license for more than one weapon.

In the above view of the matter, this writ application has to succeed and the order passed by the District Magistrate has to be granted. Accordingly, the same is quashed and set aside. The District Magistrate Bhojpur , Ara is directed to seek a fresh report from the police authority and then pass a reasoned order in accordance with law within a period of eight weeks from the date of receipt/production of a copy of this order.

This writ application is allowed to the extent indicated above.

(Dr. Ravi Ranjan, J)

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