

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.16963 of 2013

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Noor Hassan S/O Late Md. Hasnain R/O Jalwa Toli, Mogalpura, P.S. Khajekalan,
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
4. Additional District Magistrate (Arms), Patna

.... Respondents

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Appearance :

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

Mr. Pankaj Kumar Singh, Advocate

For the State : Mr. Anshuman Singh, GP 24

Mr. Siddharth Shankar Pandey, AC to GP 24

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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, who is a businessman, had applied for grant of licence for DBBL gun for safety of his life and property, however, the same has been refused on the ground that there is lack of evidence regarding threat perception upon him and also in terms of advisory issued by the Home Ministry of the Central Government vide letter No. V-11016/16/2009-Arms dated 31.03.2010.

Learned counsel for the petitioner points out that the issue has been set at rest by a decision of this Court 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 rejected 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. It is urged that 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 21.05.2013 contained in Annexure 7 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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