

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.17963 of 2013

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Roshan Kumar Sinha, Son of Ajay Kumar Sinha, Resident of Mohalla
Mungeriganj, P.S. - Begusarai, Town and District - Begusarai

.... Petitioner

Versus

1. The State of Bihar
2. The Divisional Commissioner, Fort Area, Munger
3. The District Magistrate, Begusarai
4. The Superintendent of Police, Begusarai
5. The Officer in Charge, Begusarai Town Police Station, Begusarai

.... Respondents

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Appearance :

For the Petitioner/s : Mr. N.K.Agrawal, Senior Advocate

Mr. Saket Tiwari, Adocate

For the Respondent/s : Mr. Arvind Ujjwal, SC-25

Mr. Upendra Pratap Singh, AC to SC-25.

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 06-10-2015

I have heard learned counsel for the petitioner and the
State.

The petitioner is aggrieved by the order dated 3.05.2012
as contained in Annexure-16 by which the District Magistrate-cum-
Licensing Authority, Begusarai has rejected his application for grant
of licence for NP bore pistol due to lack of specific evidence
regarding any threat perception upon him. He also challenges the
order dated 1.06.2013 passed by the Divisional Commissioner,
Munger in Arms Appeal No.204/2012 by which he has rejected the
appeal and upheld the order passed by the Licensing Authority.

One of the grounds mentioned for rejection is that the

petitioner has alleged that he has threat from one Baua Singh and his gangs and since he has already died, now there would be no threat.

In my considered view, both the impugned orders are not sustainable. A very cryptic order has been passed by the Licensing Authority only stating that there does not appear any threat perception and the alleged threat appears to be a vague allegation. The appellate authority has also thoroughly misdirected itself in passing such order and saying that since Baua Singh has died, now there would be no threat perception upon the life of the petitioner, as from his order itself, it appears that the alleged threat was from Baua Singh and his gang. The death of Baua Singh does not mean the death of his gang, therefore, that could not form a ground of rejection. That apart, this Court has already held in a decision dated 11.08.2015 rendered in ***CWJC No.18535 of 2011 (Manish Kumar Vs. The State of Bihar and Ors.) and other analogous matters*** that lack of production of specific evidence regarding any threat perception does not form a ground for refusal of arms licence under Section 14 of the Arms Act. Threat perception does not mean that the applicant should suffer actual threat upon his life or property or there should be specific overt act upon him. Mere apprehension of threat would be enough. The right to protect himself cannot be brushed aside by the Licensing Authority in such a casual manner in which it has been done by both

of them, i.e., Licensing Authority as well as the Appellate Authority.

Accordingly, this writ application succeeds. The impugned orders are quashed and set aside. The matter is remitted back to the District Magistrate-cum-Licensing Authority to take a fresh decision in accordance with law within a period of four months from the date of receipt/production of a copy of this order after considering all these aspects and also the observation of this Court in this case as well as in the decision rendered in CWJC No. 18535 of 2011.

(Dr. Ravi Ranjan, J)

V.K. Pandey/-

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