

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2637 of 2015

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Md. Farman, Son of Md. Hakim, Resident of Mohalla - Bakarpur, Police Station - Mufassil, District Munger.

.... Petitioner

Versus

1. The State of Bihar, through Secretary, Department of Home, Old Secretariat, Patna.
2. Commissioner, Munger Division, Munger.
3. The District Magistrate, Munger.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Pramod Kumar Singh, Advocate
For the Respondent/s : Mr. M. K. Singh, A.C to S.C.-6.

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN
ORAL ORDER

2 14-09-2015 I have heard learned counsel for the petitioner and the State.

The petitioner seeks quashing of Annexure-5 and 6, which are the orders passed by the licensing authority-cum-District Magistrate, Munger refusing arms licence to the petitioner as well as the appellate order dated 11.01.2014 passed in Arms Appeal No.171/13 by the Divisional Commissioner upholding the aforesaid decision and dismissing the appeal.

From bare perusal of the order passed by the licensing authority, it appears that ground for rejection is lack of evidence with regard to any threat perception upon the petitioner. This Court has already held in **C.W.J.C. No. 18535 of 2011 (Manish**

Kumar Vrs. State of Bihar) and other analogous cases that lack of evidence regarding threat perception is not a ground for refusal of licence to an applicant.

Accordingly, this writ application stands allowed in terms of the aforesaid order dated 11.08.2015. The order dated 6.04.2013 contained in Annexure-5 passed by the licensing authority as well as the appellate order dated 11.01.2014 contained in Annexure-6, both are quashed and set aside. The matter is remitted back to the licensing authority to take a fresh decision in accordance with law within a period of three months from the date of receipt/production of a copy of this order.

(Dr. Ravi Ranjan, J)

V.K. Pandey/-

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