

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.5438 of 2014

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Uday Shankar Bhartiya Son Of Sri Dharmendra Kumar Resident Of Mohalla- Chak Hussain, P.O. + P.S.- Khushrupur, District- Patna- 823202 (Bihar)

.... Petitioner

Versus

1. The State Of Bihar Through Commissioner Patna Division, Patna
2. District Magistrate Patna
3. Superintendent Of Police, Patna

.... Respondents

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Appearance :

For the Petitioner : Mrs. Archana Sinha,
Mr. Alok Kumar Shahi, Advocates
For the State : Mr. Mahendra Prasad Verma, A.C. to S.C. 13

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 08-12-2015

Heard learned counsel for the petitioner and the State.

Petitioner is aggrieved by the order dated 09.01.2014 passed by the District Magistrate-cum-Licensing Authority, Patna by which his application for grant of arms licence for firearm has been rejected on the ground that he has not been able to produce any evidence regarding specific threat upon him. He has also stated that he has already rejected the application of the petitioner, therefore, no amendment is required in his earlier order.

In my view, the aforesaid order is not at all sustainable in law for two reasons. First is that the issue concerned is directly covered by a decision of this Court rendered in **Manish Kumar Vrs. State of Bihar and other analogous cases [2015(4) PLJR 212]**

holding that non-production of documentary evidence regarding any threat perception cannot form a ground for refusal of arms licence under Section 14 of the Arms Act, 1959. That apart, the appellate authority had already expressed its opinion that the applicant's application for grant of licence of firearm was justified. Thus, the Collector, in a manner has overruled the view of appellate authority and has rejected the application by stating that his earlier order was correct and the same does not require any amendment though that order was already set aside by the appellate authority.

Accordingly, this writ petition succeeds. The order impugned is quashed and set aside. The matter is remitted back to the Licensing Authority for fresh consideration and taking a decision in accordance with law also considering the views expressed by the appellate authority and the decision of this Court rendered in **Manish Kumar (Supra)** as well as the Family Heirloom Policy within a period of eight weeks from the date of receipt/production of a copy of this order.

(Dr. Ravi Ranjan, J)

Sanjay-II/-

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