

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.7487 of 2015

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Amit Kumar Son of Shri Rajdeo Rai, Resident of Village- Kiratpur Rajaram , P.S.-
Bhagwanpur, District- Vaishali.

.... Petitioner

Versus

1. The State of Bihar.
2. The Commissioner, Tirhut Division, Muzaffarpur.
3. The District Magistrate, Vaishali.
4. The Superintendent of Police, Vaishali.

.... Respondents

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Appearance :

For the Petitioner : Mr. Sunil Kumar Singh, Advocate

For the State : Mr. Sunil Kumar, A.C. to A.A.G. 6

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 22-09-2015

Heard learned counsel for the petitioner and the State.

Petitioner is aggrieved by the order dated 20.06.2013 passed by the District Magistrate-cum-Licensing Authority, Vaishali, extracted in the communication contained in Annexure 1 addressed to the petitioner under the signature of District Arms Magistrate, Vaishali. Petitioner is also aggrieved by the appellate order dated 29.09.2014 (Annexure 2) passed in Arms Case No.501/2013 by which he has upheld the decision of the licensing authority and has rejected the appeal.

It appears from the impugned annexure that refusal is on the ground that there is lack of production of any evidence by the

petitioner regarding any threat perception. The appellate authority has indicated in its order that Superintendent of Police, Sub-Divisional Officer and Officer-in-Charge have forwarded the petitioner's application for grant of licence but his licence has been refused.

In my considered opinion, the order impugned is in teeth of a decision of this Court rendered in **C.W.J.C. No. 18535 of 2011 (Manish Kumar Vrs. State of Bihar) and other analogous cases** holding that lack of any specific evidence regarding threat perception cannot form a ground for refusal of licence under Section 14 of the Arms Act, 1959.

Accordingly, both the impugned orders as contained in Annexures 1 and 2 are quashed and set aside. The matter is remitted back to the licensing authority to take a fresh decision in accordance with law considering the aforesaid decision of this Court within a period of four months from the date of receipt/production of a copy of this order.

(Dr. Ravi Ranjan, J)

Sanjay-II/-

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