

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1504 of 2014

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Bindhyachal Singh Son Of Sri Mathura Singh Resident Of Village - Johani,
P.S. - Bikramganj, District - Rohtas

.... Petitioner

Versus

1. The State Of Bihar
2. The Home Commissioner Govt. Of Bihar Patna
3. The Director General-Cum-Inspector General Of Police, Patna
4. The Commissioner, Patna
5. The District Magistrate, Rohtas (Sasaram)

.... Respondents

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Appearance :

For the Petitioner : M/s. Jitender Kumar Ropy-1 and
Usha Kumari Singh, Advocates

For the State : Mr. Satyendra Rai, A.C. to S.C.30

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN
ORAL ORDER

2 23-11-2015

Heard learned counsel for the petitioner and the State.

Petitioner is aggrieved by the order dated 21.9.2012 by which his application for grant of license for D.B.B.L. gun has been rejected by the District Magistrate-cum-Licensing Authority, Rohtas at Sasaram.

It is contended on behalf of the petitioner that on earlier occasion also petitioner's application was rejected vide Annexure-4 on the ground that petitioner was not able to produce any cogent evidence regarding threat perception upon him. However, the petitioner approached this Court by filing C.W.J.C. No.10249 of 2007 which was permitted to be withdrawn with a liberty to the petitioner to take recourse to remedy of appeal. The appellate authority remitted back the matter to the Licensing Authority for fresh consideration vide Annexure-6, however, again the Licensing Authority has rejected the

claim on the same ground that the petitioner has not been able to produce any documentary evidence regarding threat perception upon him.

It is contended that the petitioner's father is already having a license and a D.B.B. gun he wants to transfer the same in the name of the petitioner. However, on the aforesaid ground, petitioner's application has been rejected which is in teeth of law laid down by this Court in **Manish Kumar and others vrs. The State of Bihar and others [2015(4)PLJR 212.**

I find force in the submission made on behalf of the petitioner. The ground for rejection is not a valid one as it has been held in the aforesaid decision that by this Court that the same is not a ground for refusal of license set forth in Section 14 of the Arms Act.

Accordingly, the impugned order as contained in Annexure-7 is quashed. The matter is remitted back to the licensing authority to take a decision in accordance with law not only considering the aforesaid decision of this Court but Family Heirloom policy within a period of two months from the date of receipt/production of a copy of this order.

(Dr. Ravi Ranjan, J)

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