

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.10775 of 2013

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Kamayani Singh W/O Sri Neelam Chanda Resident Of Mohalla - Shadikpur, P.O.
Gulzarbagh, Patna, P.S. Alamganj, District And Town - Patna

.... Petitioner

Versus

1. The State Of Bihar Through Home Secretary, Govt. Of Bihar
2. District Magistrate, Patna
3. District Arms Magistrate, Patna
4. Additional District Magistrate (Arms), Patna
5. Senior Superintendent Of Police, Patna

.... Respondents

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Appearance :

For the Petitioner : M/s. Pankaj Kumar Singh,
Gajendra Kumar Singh, Advocates .
For the State : Mr. Niranjana Kumar, A.C. to G.P.27

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 21-09-2015

Heard learned counsel for the petitioner and the State.

Initially, the writ petition was filed for direction to the District Magistrate, Patna to take a final decision on the application filed by the petitioner for grant of licence of N.P. Bore revolver/pistol. However, during the pendency of this application, admittedly a decision was taken by the District Magistrate on 21.11.2013 refusing licence to the petitioner, who is a lady whose father-in-law was murdered and his dead body was thrown on the railway track, on the ground that there is no threat perception. The petitioner has also filed Arms Appeal No.41/2014 which was finally heard on 15.07.2014 and

was put up for final orders. However, the order has not been passed as yet which is apparent from Annexure 6 which has been produced by the petitioner in reply filed by him to the counter affidavit filed on behalf of the respondents.

Accordingly, I dispose of this writ petition with a direction to the Divisional Commissioner, Patna Division to take a final decision in the Arms Appeal No.41/2014 within two months from the date of receipt/production of a copy of this order in accordance with law. While doing so he would also be obliged to consider the 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 specific evidence regarding threat perception cannot form a ground for refusal of licence under Section 14 of the Arms Act, 1959. That apart, he will also consider the fact that the an F.I.R. was also lodged with Agamkuan Police Station regarding the murder of father-in-law of the petitioner and his dead body was thrown on the railway track and also that the petitioner is a lady who wants licence for her personal safety.

(Dr. Ravi Ranjan, J)

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