

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.12909 of 2013

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Kameswar Panday, S/o Sri Madan Panday, resident of village Krischan quarter
near charch ward no. 8, P.s. Bettiah town Dist West Champaran

.... Petitioner

Versus

1. The State of Bihar
2. D.M. cum Arms Magistrate, District West Champaran at Bettiah
3. S.P. Bettiah District West Champaran
4. S.P. Bagaha District West Champaran

.... Respondents

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Appearance :

For the Petitioner : M/s Bhavesh Kumar and
Gauri Shankar Thakur, Advocates

For the State : Mr. Rakesh Ambastha, AC to AAG 15

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 29-09-2015

I.A. No. 8077 of 2015

Heard parties.

This interlocutory application has been filed by the petitioner for amendment in writ application as he wants to add certain reliefs by seeking quashing of the order dated 18.8.2013 passed by the respondent no. 2, the District Magistrate cum licensing authority, West Champaran, Bettia, as contained in Annexure 4, by which his application for grant of arms licence has been rejected during the pendency of this writ application.

In the facts and circumstances of the case, aforesaid

interlocutory application is allowed. The relief mentioned in paragraph 1 would form part of the writ application along with the averments made in the interlocutory application.

C.W.J.C. No. 12909 of 2013

Heard the parties.

Counter Affidavit has not been filed on behalf of the respondent no. 2. However, even after allowing aforesaid amendment no further adjournment is granted for filing counter affidavit in view of the admitted position that the issue involved in view of the stand taken by the respondent no. 2 in impugned Annexure 4 stands already considered and decided by this Court in **C.W.J.C. No. 18535 of 2011 (Manish Kumar Vrs. State of Bihar) and other analogous matters** holding that non-production of specific evidence regarding threat perception upon the applicant either by the Officer Incharge or Superintendent of Police or by the applicant cannot form a ground for refusal of arms licence under Section 14 of the Arms Act, 1959 as threat perception does not mean that there should be actual threat or specific overt act upon a person rather apprehension of the same would be sufficient.

Accordingly, the impugned order dated 18.8.2013 is set aside and the matter is remitted back to the licensing authority to take fresh decision in accordance with law within a period of

two months from the date of receipt / production of a copy of this order.

Writ application stands allowed.

(Dr. Ravi Ranjan, J)

Spd/-

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