

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.16720 of 2013

=====

Surendra Kumar Singh Son Of Late Sitaram Singh Resident Of Village- Tiya P.S.-
Andar District- Siwan

.... Petitioner

Versus

1. The State Of Bihar
2. The Commissioner, Saran Division, Saran
3. The District Magistrate, Siwan
4. The District Arm Officer, Collectariat, Siwan
5. The Superintendent Of Police, Siwan
6. The Officer-In-Charge, Andar Police Station

.... Respondents

=====

Appearance :

For the Petitioner : M/s. Akash Keshav,
Yogesh Kumar, Advocates
For the State : Mr. Rajesh Kumar, A.C. to G.P. 10

=====

CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 05-10-2015

Heard learned counsel for the petitioner and the State.

Petitioner seeks quashing of the order dated 06.02.2012 passed by the District Magistrate-cum-Licensing Authority, Siwan in Arms Case No.14/2011 by which he has rejected the petitioner's application for grant of licence for N.P. Bore Rifle. He also challenges the order dated 23.07.2013/25.07.2013 passed by the Commissioner, Saran Division, Saran in Arms Appeal No.210/2012 upholding the order passed by the licensing authority and dismissing the appeal.

Short question is being raised on behalf of the petitioner that licence has been cancelled on the ground of lack of evidence

produced by him regarding threat upon him. One of the grounds taken is that petitioner does not appear to be physically fit to hold firearm.

Both the grounds are not sustainable. First ground for lack of evidence regarding thereat perception is not sustainable in view of the decision of this Court in **C.W.J.C. No. 18535 of 2011 (Manish Kumar Vrs. State of Bihar) and other analogous cases**. So far second ground that the petitioner was physically fit or not is concerned, in my view, such opinion should not be formed in a casual manner by the District Magistrate in the absence of any medical examination or any other sound reason, thereafter, aforesaid ground is also not sustainable.

Accordingly, the writ petition succeeds. Both the impugned orders are quashed and set aside. The matter is remitted back to the licensing authority to take a fresh decision in accordance with law by passing a reasoned order within four months from the date of receipt/production of a copy of this order.

(Dr. Ravi Ranjan, J)

Sanjay-II/-

U			
---	--	--	--