

in THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.16838 of 2015

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Ajay Kumar Thakur, Son of Late Parshuram Thakur, Resident of Village- Koiriya,
P.S.- Dinara, District- Rohtas at Sasaram.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Principal Secretary, Department of Home, Government of Bihar, Patna.
3. The Divisional Commissioner, Patna Division, Patna.
4. The District Magistrate, Rohtas at Sasaram.
5. The Superintendent of Police, Rohtas.
6. The Sub-Divisional Magistrate, Bikramganj, District- Rohtas.
7. The Sub Divisional Police Officer, Bikramganj, District- Rohtas.
8. The Station House Officer, Dinara Police Station, District- Rohtas.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ravish Chandra

For the Respondent/s : Mr. Shiv Kumar, AC to GA 7

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 08-12-2015

Heard learned counsel for the petitioner and the learned
counsel for the State.

The petitioner seeks quashing of undated order as
contained in Annexure 4 by which the petitioner's application for
grant of arms license has been rejected on the ground that he has not
been able to produce any evidence to prove that there was any specific
threat upon his life or property. Petitioner's application was rejected
earlier also which was put to challenge by preferring appeal which
was allowed on 11.09.2007 and the matter was remanded vide
Annexure-3 dt. 11.09.2007 for fresh consideration.

It appears from the order impugned that petitioner was heard

on 11.04.2008. It is not clear as to on which date the order concerned was passed. The petitioner has submitted that under the said confusion, he could not approach this Court. The aforesaid had delayed the filing of the writ application. Counter affidavit has been filed on behalf of the respondents no. 4 and 5. However, surprisingly, it has not been stated as to what is the date of the impugned order.

Be that as it may, since the sole ground for rejection of application of the petitioner is that he could not produce any evidence showing specific threat upon him which is in teeth of decision of this court rendered in **Manish Kumar vs. State of Bihar and other analogous cases** rendered in **2015 (4) PLJR 212** holding that the aforesaid decision does not form a ground for refusal of license under Section 14 of the Arms Act, 1949, this application succeeds in terms thereof. Accordingly, the impugned order is quashed and the matter is remanded back to the licensing authority for fresh consideration within a period of six weeks from the date of receipt/ production of a copy of this order. While doing so, the licensing authority would be obliged to consider the decision rendered by this court in **Manish Kumar (supra)** and to grant reasonable opportunity to the petitioner.

(Dr. Ravi Ranjan, J)

Prakash/-

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