

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.18671 of 2013

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Birendra Kumar Son Of Late Ragho Singh Resident Of Village- Sheikhpura, Police
Station- Ghosi In The District Of Jehanabad

.... Petitioner

Versus

1. The State of Bihar Through The Principal Secretary, Department of Home,
Government of Bihar, Patna
2. The Principal Secretary, Department of Home, Government Of Bihar, Patna
3. The Commissioner, Magadh Division, Gaya
4. The District Magistrate-Cum-Collector, Jehanabad
5. The Superintendent Of Police, Jehanabad
6. The Sub-Divisional Magistrate, Jehanabad
7. The Deputy Superintendent Of Police, Jehanabad
8. The O.P. Incharge, Okari O.P. Under Ghosi Police Station In The District of
Jehanabad

.... Respondents

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Appearance :

For the Petitioner : Mr. Sunil Kumar, Advocate

For the State : Mr. Amit Kumar Anand, AC to G.P. 15

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 06-10-2015

Heard learned counsel for the petitioner and the State.

Petitioner seeks quashing of the order dated 15.9.2012
passed by the District Magistrate – cum – licensing authority,
Jehanabad as contained in Annexure 2 by which his application for
grant of licence for D.B.B.L. gun has been rejected. He also
challenges Annexure 1 dated 6.6.2013 passed by the appellate
authority, i.e., the Commissioner, Magadh Division, Gaya in Arms
Appeal No. 319/2012 by which he has upheld the order passed by the
licensing authority.

It is contended on behalf of the petitioner that decisions of the licensing authority as well as the appellate authority are in teeth of decision dated 11.08.2015 passed in C.W.J.C. No. 18535 of 2011 (Manish Kumar Vrs. State of Bihar) and other analogous matters. It has already been held that threat perception can never mean that there should be actual overt act upon such person. Apprehension in that respect would be enough. Reference is also made to the letter of Joint Secretary, Ministry of Home Affair, New Delhi, which has also been considered in the aforesaid decision by this Court.

Accordingly this application stands allowed in terms of the aforesaid decision and the impugned orders as contained in Annexues 1 and 2 are quashed and set aside.

However, the matter is remitted back to the concerned licensing authority to pass a fresh order in accordance with law within a period of four months from the date of receipt/production of a copy of this order.

(Dr. Ravi Ranjan, J)

Spd/-

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