

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10110 of 2015

=====

Nagendra Kumar S/o Late Mukteshwar Kumar resident of D.K. Dharamshala Road, Civil Line inside of Police Club, P.S. - Buxar Town, District - Buxar.

.... Petitioner

Versus

1. The State of Bihar through the District Magistrate, Buxar.
2. The Divisional Commissioner, Patna.
3. The Superintendent of Police, Buxar.
4. The Sub Divisional Police Officer, Sadar, Buxar.
5. The Officer-in-charge, Buxar Town P.S., District - Buxar.

.... Respondents

=====

Appearance :

For the Petitioner : Mr. Ashwini Kumar Rai, Advocate

For the State : Mr. Anil Kumar, AC to SC 10

=====

CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL ORDER

2 29-09-2015 Heard learned counsel for the petitioner and the State.

The petitioner is aggrieved by the order dated 09.01.2015, by which his application for grant of N.P. bore rifle has been rejected chiefly on the ground of lack of evidence regarding threat perception upon the petitioner and also in view of the fact that he is already holding a licence of revolver and, since he is working as an advocate, he does not need an additional firearm.

In my considered opinion, all the three grounds are not sustainable as this Court in a decision rendered in C.W.J.C. No. 18535 of 2011 (Manish Kumar v. State of Bihar and others) and other analogous cases, disposed of on



11.08.2015 has held that the lack of production of evidence regarding any imminent danger to life and property cannot form a ground for refusal of arms licence under section 14 of the Arms Act, 1959(hereinafter to be referred to as “the Act”). It is also intriguing, if the authorities concerned including the police authorities were of the opinion that there is no danger to the life and property upon the petitioner, then upon which ground a licence for revolver was given to the petitioner.

That apart, it has already been held by a Single Bench of this Court in **Arun Kumar @ Arun Kumar Barnawal v. State of Bihar and others (2000(4) Patna Law Journal Reports, 552)** that sub-section (2) of section 3 of the Act bars a person from possessing more than three firearms but there is no bar to possess up to three firearms.

In view of the aforesaid, , in my view, the application for grant of licence cannot be rejected or brushed aside in such a manner by the licensing authority.

Accordingly, the impugned order contained in Annexure 3 is quashed and set aside and the matter is remitted back to the District Magistrate, Buxar, for taking a fresh decision in on its own merit and in accordance with law

and also considering the various judicial pronouncements in this regard within a period of two months from the date of receipt/production of a copy of this order.

This disposes of the writ petition.

(Dr. Ravi Ranjan, J)

SC/-

U			
---	--	--	--