

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.15480 of 2013

Arvind Kumar aged about 42 years, Son Of Late Nawal Kishore Sharma Resident of Village Ghoshwari, Police Station Bakhtiyarpur, District- Patna

.... Petitioner

Versus

1. The State Of Bihar
2. The Commissioner(Arms), Patna Division, Patna
3. The District Magistrate, Patna
4. The Senior Superintendent of Police, Patna
5. The Sub-Divisional Magistrate, Barh, Patna
6. The Officer Incharge, Bakhtiyarpur Police Station, Patna

.... Respondents

Appearance :

For the Petitioner : Mr. Binod Kumar, Advocate
For the State : Mr. Manoj Kumar, A.C. to G.A. 10

CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 29-09-2015

Heard learned counsel for the petitioner and the State.

Petitioner is aggrieved by the order dated 28.06.2013 (Annexure 7) passed by the Licensing Authority-cum- District Magistrate, Patna by which he has rejected the application of the petitioner for grant of arms licence of N.P. Bore Rifle.

It is contended on behalf of the petitioner that the aforesaid order is in teeth of a decision of this Court rendered in **C.W.J.C. No. 18535 of 2011 (Manish Kumar Vrs. State of Bihar)** and other analogous cases holding that lack of any evidence regarding threat perception does not form a ground for refusal of

licence under Section 14 of the Arms Act, 1959. It is further contended that the petitioner's father was holding licence for N.P. Bore rifle. After his death in the year 2005, his rifle was deposited with the Arms Dealer and, thereafter, the petitioner has applied for grant of licence in his favour for protection of his life and property and also of his family.

Accordingly, this writ application succeeds. The impugned order is quashed and set aside being in teeth of the aforesaid decision of this Court. The matter is remitted back to the licensing authority for taking a fresh decision by passing a reasoned order considering all the aspects including the aforesaid decision of this Court and also the Family Heirloom Policy within a period of four months from the date of receipt/production of a copy of this order.

(Dr. Ravi Ranjan, J)

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