

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16179 of 2013

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Harendra Kumar S/O Sri Bijay Kumar Residence Of C/O B.K. Drug, F-7, Sarvada Enclave, S.P. Ghosh Lane, Govind Mitra Road, P.S. Pirbahore, District And Town Patna

.... Petitioner

Versus

1. The State Of Bihar Through Home Secretary, Govt. Of Bihar
2. District Magistrate, Patna
3. District Arms Magistrate, Patna
4. Additional District Magistrate (Arms), Patna

.... Respondents

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Appearance :

For the Petitioner : Mr. MD. SHAKIR AHMAD

For the State : Ms Binita Singh, GP 31

Mr. Mukund Mohan Jha, AC to GP 31

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 25-08-2015

Heard the learned counsel for the petitioner and the State.

Petitioner seeks quashing of the order dated 21.05.2013 contained in Annexure 5 passed by the District Magistrate, Patna, i.e., respondent no. 2, by which the application for grant of arms licence of the petitioner for N.P. Bore revolver/pistol has been rejected.

It is submitted on behalf of the petitioner that the order passed by the District Magistrate, Patna being the licensing authority rejecting the application for grant of arms licence for N.P. Bore revolver/pistol is in teeth of the judgment rendered in C.W.J.C. No. 18535 of 2011 (Manish Kumar v. The State of Bihar and others)



and its analogous cases disposed of on 11.08.2015. It is contended that it has been held in the aforesaid cases that the arms licence cannot be rejected on the sole ground that no cogent evidence could be produced by the applicant indicating that there is threat perception upon the applicant. It has also been held that threat perception does not mean that the applicant should actually suffer any assault or any overt act. Mere apprehension is enough. It is urged that the licence being sought for safety of life and property and as a citizen the applicant has right to protect himself and such right, therefore, cannot be brushed aside on the aforesaid ground easily.

Accordingly, this application stands allowed in terms of the order dated 11.08.2015 passed in C.W.J.C. No. 18535 of 2011 (Manish Kumar v. The State of Bihar and others) and its analogous cases, the impugned order dated 21.05.2013 contained in Annexure 5 is quashed and set aside and the matter is remitted back to the District Magistrate, Patna, i.e., respondent no. 2, for fresh consideration and taking a decision in accordance with law within a period of eight weeks from the date of receipt/production of a copy of this order.

(Dr. Ravi Ranjan, J)

SC/-

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