

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.13106 of 2016

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Ram Shankar Prasad Singh S/o Late Ayodhya Singh Resident of Naya Gola,
Mokama, P.S. Mokama, District - Patna.

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Home Department, Govt. of Bihar.
2. District Magistrate, Patna.
3. District Arms Magistrate, Patna.
4. Additional District Magistrate (Arms), Patna.
5. Sr. Superintendent of Police, Patna.

.... Respondents

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Appearance :

For the Petitioner : M/s Ms. Manisha Pande and
Shweta Pandey, Advocates

For the Respondents : Mr. Anil Kumar, AC to SC8

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 28-11-2016

Heard the parties.

It is not at all apparent from the impugned order that what is the actual ground on which the firearms licence has been rejected.

It appears that according to the licensing authority proper verification report was not given by the police. Now the question would be whether the petitioner can be held responsible for that?

If there is any deficiency in the action of the police authority, the petitioner cannot be held responsible and if such



deficiency was there, the licensing authority ought to have sought a fresh report from the police authority on the specific ground but on that count the licensing authority should not have dismissed the application of the petitioner. It is also stated that the petitioner did not disclose his residence at Khaje Kalan, Patnacity but the petitioner states that he resides at Mokama and Khaje Kalan house has been let-out on tenancy. On such ground it cannot be held that the petitioner is also residents of Khaje Kalan, Patnacity. If, a person resides at Patna and his properties are in different parts of the country, it does not mean that he lives in each and every State where his properties are situated.

Another ground has been taken that in course of random enquiry, it has been found in a case of one Rahbar Abdin that police report is vague and despite ten criminal cases were pending against the aforesaid person police has recommended for grant of licence.

In my view, if the police authority has erred in a case then it cannot be presumed that the petitioner is involved in a criminal case unless he is found, as such. Thus, in my view the order impugned contained in Annexure 10 is not at all sustainable in eye of law.

Accordingly, this writ application succeeds. The order



impugned, as contained in Annexure 10, is quashed and set aside. The matter is remitted back to the Licensing Authority to take a fresh decision in accordance with law within a period of three months from the date of receipt/production of a copy of this order. However, if the licensing authority desires he may seek a fresh report from the police authority but the rejection should not be on flimsy grounds.

Petitioner claims that he has been subjected to overt act for which first information report was also lodged. That aspect is also to be examined in proper perspective. It should not be brushed aside in the manner done in the impugned order.

(Dr. Ravi Ranjan, J)

Spd/-

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