

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.12360 of 2016

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Ghanshyam Murari, S/o Late Ram Naresh Paswan, resident of Village & Post-Daffarpur, P.S.- Nwkothe, District- Begusarai at present residing at Baghi Shanti Sah Chowk, Nagadh Road, P.S. Lohiya Nagar, O.P. District Begusarai.

.... Petitioner

Versus

1. The State of Bihar
2. The Division Commissioner, Munger.
3. District Magistrate, Begusarai.
4. The District Superintendent of Police, Begusarai.
5. The Sub Divisional Police Officer, Majhaul.
6. The S.D.O. Majhaul, Begusarai.
7. The Officer Incharge, New Kothi, District Begusarai.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Kamal Nayan Chaubey, Sr. Advocate
Mr. Arun Kumar Singh

For the Respondent/s : Mr. Deepak Kumar, AC to GA-7

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN
ORAL JUDGMENT

Date: 19-09-2016

Heard parties.

It appears from the impugned order that the refusal is on the ground of lack of evidence regarding threat perception. It has been stated in the impugned order that though *Sanha* was lodged by the petitioner regarding alleged demand of extortion money but there is no evidence on record to corroborate that and, that apart, the Superintendent of Police, Begusarai has also written that there is no specific evidence regarding threat perception upon the petitioner, therefore, the firearms licence is not at all

required.

The bogacity of such impression is writ large from the subsequent fact that on the ground of demand of extortion money, FIR was lodged ultimately on 12.06.2016 and it is claimed that two persons were arrested. Not only that, the District Magistrate is providing security also to the petitioner. A command to that effect has been appended as Annexure-9 series. This shows as to how the licensing authority and the police authority are proceeding in the serious matters of grant of firearms licence to a citizen. This shows that report was sent by the Superintendent of Police without any thorough inquiry etc. and also non-application of mind on behalf of the licensing authority. It has been stated on behalf of the petitioner that the impugned order, apart from being erroneous, is also contemptuous in nature as it has been passed in violation of all the previous decisions of this Court.

Accordingly, the order dated 3.05.2016, as contained in Annexure-8, is quashed and set aside. The matter is remitted back to the licensing authority to pass a fresh order in accordance with law also considering the decision of this Court rendered in ***Manish Kumar Vs. The State of Bihar and Ors. reported in 2015 (4) PLJR 212.***

Let a fresh report be submitted by the Superintendent

of Police, Begusarai or the Officer-in-charge of the concerned police station but at least at this time necessary enquiry should be made and it should be taken into notice that now FIR has been lodged on the complain of the petitioner for demanding extortion money and that the petitioner now has suffered overt act also.

It is expected that the entire exercise would be completed within a period of two months from the date of receipt/production of a copy of this order.

(Dr. Ravi Ranjan, J)

V.K. Pandey/-

AFR/NAFR	N.A.F.R.
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