

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 11288 of 2016

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Ajit Kumar, Son of Shri Krishna Nandan Prasad Singh, Resident of
Village-Akhtiyarpur, Police Station-Paliganj in the district of Patna.

.... Petitioner.

Versus

1. The State of Bihar through the Principal Secretary, Department of Home Government of Bihar, Patna.
 2. The Principal Secretary, Department of Home, Government of Bihar, Patna.
 3. The Commissioner, Patna Division, Patna.
 4. The District Magistrate-cum-Collector, Patna.
 5. The District Arms Magistrate, Patna.
 6. The Senior Superintendent of Police, Patna.
 7. The Sub-Divisional Magistrate, Paliganj, Patna.
 8. The Deputy Superintendent of Police, Paliganj, Patna.
 9. The Officer-in-Charge, Paliganj, P.S.-Patna.... Respondents.
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Appearance :

For the Petitioner : Mr. Sunil Kumar, Adv.

For the Respondents: Mr. Santosh Kr. Jha- GP15

: Miss Sanghmitra Ghosh, AC to GP 15.

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 28-11-2016

Heard learned counsel for the petitioner and the State.

Petitioner's application for grant of arms licence has
been rejected on 26.04.2016 by the District Magistrate, Patna, as
contained in Annexure-1 on a peculiar ground that the petitioner
has suppressed his Rajiv Nagar Residence at Patna in his
application and the Officer In-charge, Paliganj has also given
verification report without deeper scrutiny for reaching to such
conclusion. Though, the petitioner had applied for grant of



licence for three firearm which is permissible under Section 3(2) of the Arms Act, however, he now restricts his application for grant of only two licences one for pistol/revolver and another for NP Bore Rifle.

A passage has been recorded in the impugned order by the Licensing Authority that on earlier occasion, in the matter of Rahwar Abdin, the Officer In-charge, Kadamkuan had submitted wrong verification report and had recommended for grant of licence whereas about ten cases of serious nature were pending against him, therefore, the Officer In-charge of Paliganj, Police Station might have made the same error in this matter also. On such presumption he has opined that the petitioner is not fit for grant of licence.

Such type of analogy is not at all understandable to this Court. A directive of Ministry of Home Affairs, Government of India has also been quoted which is also of not much relevance as has already been considered in the case of **Manish Kumar Vs. The State of Bihar and Ors. [2015(4) PLJR 212]**. The observation of Allahabad High Court, Lucnow Bench has also been quoted but that is also not at all of any relevance. The relevant decisions which have been passed by this Court have been ignored by the Licensing Authority. So far suppression of



Rajiv Nagar Residence is concerned, the petitioner has submitted that he is permanent resident of Akhtiyarpur, Police Station-Paliganj, in the district of Patna and his shop is at Paliganj and he never resides at Rajiv Nagar rather he has some property in Rajiv Nagar. However, that was disclosed by him at the time of interview by the Licensing Authority. It is not the case that the Police or the other agency has recovered that petitioner has his residential house at Rajiv Nagar, Patna rather the same was disclosed by the petitioner himself, therefore, there cannot be any question of suppression by petitioner. Thus, the order impugned is not at all sustainable in law.

Accordingly, the impugned order dated 26.04.2016, as contained in Anneuxre-1 is set aside and the matter is remanded back to the authority concerned 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. While taking such decision he would be obliged to consider the decision of this Court in Manish Kumar (supra) as well as the fact that the petitioner's family was subjected to criminal assault for which Paliganj Police Case No. 47 of 2015 was instituted in which his brother-in-law was killed and the petitioner was not killed only for the reason that at that point of time he was absent from his



shop. Thereafter, he is being threatened for which another FIR has been lodged.

Accordingly, this writ petition stands allowed to the extent as indicated above.

(Dr. Ravi Ranjan, J.)

Vikash/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	13.01.2017
Transmission Date	NA

