

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.13105 of 2016

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Randhir Kumar Son of Sri Parmanand Prasad Singh Resident of Village - Kapasiya,
Post Office - Nagdah, Police Station - Muffasil, District - Begusarai.

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Home Department,
Government of Bihar, Patna.
2. The District Magistrate, Begusarai.
3. The Superintendent of Police, Begusarai.
4. The Sub Divisional Officer, Sadar, Begusarai.
5. The Sub Divisional Officer, Sadar, Begusarai.
6. The District Arms Magistrate, Begusarai.
7. The Circle Officer, Begusarai, District - Begusarai.
8. The Inspector of Police, Town Circle, Begusarai.
9. The Station House Officer, Singhaul, O.P. District - Begusarai.

.... Respondents

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Appearance :

For the Petitioner : Mr. Kundan Kumar, Advocate

For the Respondents : Mr. Anil Kumar, AC to SC 8

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 28-11-2016

Heard parties.

Petitioner seeks quashing of Annexure 8, which is an order dated 8.10.2014, passed by the District Magistrate – cum – licensing authority, Begusarai by which his request for firearms licence has been refused on the ground that no specific reason has been given by the police authority for grant of licence.

In my view this is a negative attitude which have been adopted by the licensing authority. If the police authority has committed any mistake then the petitioner cannot be held responsible

for that. Thus, if there was any deficiency in such report then the licensing authority could have sought a fresh report from the police authority. The petitioner had appeared before the licensing authority and had stated that he is contractor as such he has to travel a lot. He faces threat during that. No reason has been assigned as to why such ground could not be found tenable.

Accordingly, this writ application succeeds. The impugned order as contained in Annexure 8 is quashed and 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. While taking such decision the licensing authority would be obliged to consider and refer decision of this Court in **Manish Kumar Vrs. State of Bihar and other analogous cases [AIR 2016 Patna 9]**.

(Dr. Ravi Ranjan, J)

Spd/-

AFR/NAFR	NAFR
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