

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.1141 of 2016

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Krishna Kumar Singh Son of sri Raghuraj Singh Residence of Village-
Karup, Police Station -Karagahar, District Rohtas.

.... Petitioner

Versus

1. The State of Bihar through the Commissioner, Patna Division, Patna.
2. The District Magistrate ,Rohtas at Sasaram.
3. The Superintendent of Police, Rohtas at Sasaram.
4. The Sub-Divisional Police Officer, Sasaram, Rohtas .
5. The Officer-Inchareg, Karagahar, Rohtas.

.... Respondents

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Appearance :

For the Petitioner : Mr. Dhaneshwar Prasad Gupta

For the State : Mr. Purnendu Singh, GP 27

Mrs. Sunita Kumar, AC to GP 27

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 25-01-2016

Heard learned counsel for the petitioner and the State.

Petitioner seeks quashing of the order dated 24.11.2012 passed by the District Magistrate-cum-Licensing Authority, Rohtas at Sasaram, by which his application for grant of arms licence has been rejected on the ground that the petitioner has not been able to produce any evidence regarding threat perception upon him.

Petitioner's application for grant of arm licence was earlier rejected vide order dated 04.09.2006 contained Annexure 2 series on identical ground. The aforesaid order was challenged by filing an appeal vide Arms Appeal No. 481 of 2006. The appeal was heard analogous with several other appeals and the matters were remitted



back to the licensing authority for fresh consideration holding that threat perception does not mean that the people would have to be killed in order to qualify for getting arms licence. The appellate order passed by the Commissioner, Patna Division, has been appended as Annexure 3. Thereafter, again the impugned order has been passed taking identical ground that the petitioner has not been able to produce any evidence regarding threat perception upon him. A passage from so-called Arms Policy of the Home Ministry, Government of India has been quoted in the impugned Annexure 4 stating that holding of sophisticated arms by the conflicting parties directly contributes towards lethality of violent acts but, surprisingly, though recording a finding that the petitioner was not involved in quarrel with anybody, in places of qualifying for even grant of arm licence in view of the above policy, his case has been found to fit for rejection.

That apart, this Court in **Manish Kumar v. The State of Bihar(AIR 2016 Patna 9)** has already held that lack of production of evidence regarding threat perception does not form a ground for rejection of an application for grant of arm licence under section 14 of the Arms Act, 1959.

It also appears that the police authority has already recommended the matter of the petitioner for grant of arm licence

stating that the petitioner's uncle is possessing arm under a valid licence but he has grown old and has no issue, therefore, he intends to transfer the said firearm in favour of the petitioner.

As a result, this writ application succeeds. The order impugned as contained in Annexure 4 is quashed and set aside and the matter is remitted to the District Magistrate-cum-Licensing Authority, Rohtas at Sasaram for fresh consideration in accordance with law. While doing so, the licensing authority would be obliged to consider the decision rendered in **Manish Kumar(supra)** and also the Family Heirloom Policy of the Central Government.

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

(Dr. Ravi Ranjan, J)

SC/-

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