

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.12593 of 2014**

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Arbind Kumar Son of Sri Madho Mahato resident of Village- Shadipur,  
P.S.- Buniyadganj, Distt- Gaya.

.... .... Petitioner

Versus

1. The State of Bihar
2. The Principal Secretary, Department of Home, Bihar, Patna.
3. The Commissioner, Magadh Division, Gaya.
4. The District Collector, Gaya.
5. The Superintendent of Police, Gaya

.... .... Respondents

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**Appearance :**

For the Petitioner : Mr. Prithivi Raj Singh, Advocate  
For the State : Mr. Amaresh Kumar Sinha, A.C. to G.A.9

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**CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN**  
**ORAL ORDER**

2      25-01-2016                      Heard learned counsel for the petitioner and the  
  
State.

Petitioner is aggrieved by the order dated  
29.03.2012 (Annexure 5) passed by the Commissioner, Magadh  
Division, Gaya in Arms Appeal No.09/2010 by which, he has  
dismissed the appeal and has upheld the order passed by the  
District Magistrate-cum-Licensing Authority, Gaya (Annexure 4)  
refusing firearm licence to the petitioner.

It appears that the District Magistrate, Gaya was not  
pleased with the manner in which the police was forwarding and  
recommending the matters for grant of licence. However, the  
petitioner was nowhere at fault. It is intriguing as to how, for the

fault, if any, on part of the police authority, the petitioner is to be penalized by not granting arms licence. The another ground taken for refusal is that the petitioner has not been able to produce any evidence regarding threat upon him.

In my view, that ground is also not available as this Court in **Manish Kumar Vrs. State of Bihar and other analogous cases [AIR 2016 Patna 9]** has already held that lack of production of any evidence regarding threat perception cannot form a ground for rejection of application for grant of arms licence to the petitioner.

Accordingly, this application succeeds. Both the impugned orders, as contained in Annexures 4 and 5 are quashed and set aside. The matter is remitted back to the Licensing Authority for taking 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.

**(Dr. Ravi Ranjan, J)**

Sanjay-II/-

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