

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 14547 of 2016

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Harendra Kumar, S/o Sri Bijay Kumar, residence of C/o B.K. Drug, F-7, Sarvada Enclave, S.P. Ghosh Lane, Govind Mitra Road, P.S. Pirbahore, District & Town Patna. Petitioner.

Versus

1. The State of Bihar through Home Secretary, Govt. of Bihar.
2. District Magistrate, Patna
3. Divisional Commissioner, Patna.
4. Additional District Magistrate (Arms), Patna.
5. District Arma Magistrate, Patna.
6. Station House Officer, Pirbahore P.S., Patna.

.... Respondents.

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Appearance :

For the Petitioner : Ms. Manisha Pandey, Adv.

For the Respondents: Mr. Partha Sarthi- GA4

: Mr. Apurva Kumar, AC to GA 4

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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.

The petitioner is aggrieved by the order dated 02.08.2016 passed by the District Magistrate, Patna in Arms Case No. 22 of 2005, as contained in Annexure-12, by which his request for N.P. Bore Revolver/Pistol has been refused.

It appears from Annexure-2 series that the Officer In-charge, Pirbahore P.S. Patna has clearly recommended the case of the petitioner saying that he is a businessman requires safety of his person and property and he is having a drug shop at Patna.

It is contended that petitioner has himself disclosed



during the verification that he is living in a house as tenant at Kadamkuan, Patna which stands entered in the verification report and the permanent residence is at Barh, Patna, however, on that ground his application has been rejected. One of the grounds for rejection is that, as per the provisions contained in Section 14(1)(b)(ii), whenever the Licensing Authority deems it necessary for security of public peace and safety, it can refuse licence.

There is no quarrel with such provision of law but the Licensing Authority has not recorded any finding as to why the grant of licence of the petitioner would be detrimental for the public peace and tranquility.

This Court has held in ***Deepak Kumar Vs. The State of Bihar rendered in CWJC No. 13391 of 2014*** that there is no presumption that gun in the hand of a law abiding citizen would be detrimental to the public peace and tranquility.

Accordingly, this writ petition succeeds. The impugned order dated 02.08.2016 passed by the District Magistrate, Patna, as contained in Annexure-12 is set aside and the matter is remitted back to the Licensing Authority to take a fresh decision in the matter in accordance with law within a period of three months from the date of receipt/production of a



copy of this order.

While doing so, he would be obliged to consider the aforesaid discussion and observation made by this Court as also the decision of this Court rendered in *Deepak Kumar* (supra).

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

(Dr. Ravi Ranjan, J.)

Vikash/-

AFR/NAFR	NAFR
CAV DATE	NA
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