

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5192 of 2016

=====

Ravi Kumar @ Gandhiji S/o Late Kailash Singh, R/o village Babhandih, P.O.-
Chitokhar, P.S. Nasriganj, District-Rohtas

.... Petitioner

Versus

1. The State of Bihar
2. The Principal Secretary, Department of Home, Government of Bihar, Patna.
3. The Commissioner, Patna Division, Patna.
4. The District Magistrate, Rohtas.
5. The Additional Collector-cum-District Arms Magistrate, Rohtas

.... Respondents

=====

Appearance :

For the Petitioner : Mr. Prabhat Ranjan Singh
For the Respondents : Mr. R.R.K. PANDEY SC-29
Mr. Nagendra Sharma

=====

CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN
ORAL JUDGMENT

Date: 28-03-2016

Heard parties.

The petitioner is aggrieved by the order dated 19.09.2012 passed in Arms Case No. 357 of 2006 by the District Magistrate-cum-Licensing Authority, Rohtas rejecting the application of the petitioner for grant of N.P. Bore Rifle on the ground that no specific evidence could be produced by the petitioner regarding threat perception and also that he is not involved in quarrel with any person. Another ground taken is that there is already a gun in the family of the petitioner.

In my view, all the grounds taken for refusal are not tenable. Licence is granted under Arms Act, 1959 to a person and not to the family. Therefore, if there is any firearm given to the member of a family that cannot be utilized by another member even during the adverse situation. Therefore, this ground for rejection is not

tenable.

So far lack of production of specific evidence regarding threat perception is concerned, it has already been held by this Court in **Manish Kumar Vrs. State of Bihar and other analogous cases [AIR 2016 Patna 9]** that non-production of a specific evidence regarding threat perception does not form a ground for refusal of licence under Section 14 of the Arms Act, 1959.

It has also been stated in the order that the petitioner is not in conflict with any person but that should go in favour of the petitioner in place of taking it as a ground for refusal of licence. If the persons are in conflict with others, the gun in their hands may not be safe. There is no presumption that a gun in hand of law abiding citizen would be detrimental for the public peace and, as such, there cannot be refusal under Section 14 of the Arms Act, 1959 on such ground either.

Accordingly, this application succeeds and the impugned order as contained in Annexure-4 is quashed and set aside. The matter is remitted back to the Licensing Authority to take a fresh decision in accordance with law within a period of four months from the date of receipt/production of a copy of this order.

(Dr. Ravi Ranjan, J.)

Amit/-

U			
---	--	--	--