

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.6596 of 2016

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Bharat Jee Singh, Son of Sri Ram Singh, Resident of Village - Chhotaka Rajpur,
P.S. - Simari, District - Buxar.

.... Petitioner

Versus

1. The State of Bihar
2. The District Magistrate, Buxar.
3. The Superintendent of Police, Buxar.
4. The Sub-Divisional Police Officer, Dumraon, Buxar.
5. The Sub-Divisional Officer, Dumraon, Buxar.
6. The Police Inspector, Circle, Brahampur, Buxar.
7. The Officer-in-Charge, Police Station Simari, Buxar.

.... Respondents

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Appearance :

For the Petitioner : Mr. Vishwanand Upadhay, Advocate
For the State : Mr. Akhileshwar Singh, A.C. to G.A. 3

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 18-04-2016

Heard parties.

Though a copy of the writ application was served upon
the State on 30.03.2016 yet no counter affidavit has been filed till
date.

Petitioner is aggrieved by the order dated 29.01.2016
(Annexure 1) passed by the District Magistrate, Buxar by which his
application for grant of firearm licence has been rejected on the
ground of lack of any specific evidence regarding threat perception
upon him.

The petitioner who is a school teacher has applied for

grant of firearm licence so that he could possess firearm kept by his brother on the valid licence after his death.

This issue is no longer *res intergra* as the same has been considered and decided in **Manish Kumar Vrs. State of Bihar and other analogous cases [AIR 2016 Patna 9]** holding 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. That apart, there is non-consideration in the impugned order regarding Family Heirloom Policy of the Central Government.

Accordingly, this writ application succeeds. The impugned order, as contained in Annexure 1, is quashed and set aside. The matter is remitted back to the licensing authority for fresh consideration 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 also considering the observations of this Court as above.

(Dr. Ravi Ranjan, J)

Sanjay-II/-

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