

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.6858 of 2016

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Rakesh Kumar, son of Sri Krishna Kumar Gupta, Resident of Mohalla- Bari Patandevi, Near Ramna School, P.S.- Alamganj, Town and District- Patna.

.... Petitioner

Versus

1. The State of Bihar through Home Secretary, Govt. of Bihar.
2. District Magistrate, Patna.
3. Divisional Commissioner, Patna Division, Patna.
4. Senior Superintendent of Police, Patna.
5. Additional District Magistrate (Arms), Patna.
6. District Arms Magistrate, Patna.
7. S.H.O. Alamganj Police Station, Patna.

.... Respondents

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Appearance :

For the Petitioner : M/s. Manisha Pandey,
Shweta Pandey, Advocates
For the State : Mr. Subodh Kr., A.C. to G.P. 14

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 25-04-2016

Heard parties.

This is yet again a case in which the firearm licence has been rejected on the ground that the petitioner has not faced any overt act and there is no specific evidence regarding threat perception upon him. On several occasion, this Court has held that the for the purpose of entitling himself/herself for grant of firearm licence one does not have to actually face overt act. In **Manish Kumar Vrs. State of Bihar and other analogous cases [AIR 2016 Patna 9]**, this Court has held that lack of specific evidence

regarding threat perception does not form a ground for refusal of licence under Section 14 of the Arms Act, 1959.

Accordingly, this writ application succeeds on that ground alone. The impugned order, as contained in Annexure 3, 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 three months from the date of receipt/production of a copy of this order also considering the decision rendered by this Court in **Manish Kumar (Supra)**.

(Dr. Ravi Ranjan, J)

Sanjay-II/-

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