

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.8820 of 2016

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Ranjan Kumar Singh S/o Sri Bipin Bihari Singh resident of village - Rauni, Post Rauni, P.S. Rajpur, District Buxar

.... Petitioner

Versus

1. The State of Bihar through the District Magistrate, Buxar
2. The Superintendent of Police, Buxar
3. The Sub - Divisional Police officer, Sadar, Buxar
4. The Sub - Divisional officer, Sadar, Buxar
5. The Officer - in - Charge, Rajpur, P.S. District Buxar

.... Respondents

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Appearance :

For the Petitioner : Mr. Ashwini Kumar Rai, Advocate
For the State : Mr. Prashant KUMar AC to GP 8

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 27-06-2016

Heard learned counsel for the petitioner and the State.

Petitioner's application for grant of firearms licence has been rejected vide Annexure 1 on the two grounds. First is that he could not produce specific evidence for grant of firearms licence under Family Heirloom Policy and another that he has not been able to prove that he has threat upon the life and property.

In my view both the grounds are not tenable in law inasmuch as this Court has already held in **Manish Kumar Vrs. State of Bihar and other analogous cases [AIR 2016 Patna 9]** that lack of any evidence regarding specific threat perception does not form a ground for refusal for firearms under Section 14 of the Arms Act,

1959. That apart if the licensing authority requires any evidence to ensure that the petitioner is heir of the his deceased uncle or not, as he was seeking licence to possess the gun which was held by his uncle after his death, it could have directed the petitioner to produce such evidence.

Accordingly the impugned order as contained in Annexure 1 is quashed and set aside. The matter is remitted back to the District Magistrate – cum - licensing authority, Buxar for taking fresh decision in accordance with law within three months from the date of receipt / production of a copy of this order.

The petitioner would be required to furnish necessary evidence regarding him being the competent person to inherit the firearm licence held by his deceased uncle, which should be considered by the licensing authority in accordance with law.

This writ application stands allowed to the extent indicated above.

(Dr. Ravi Ranjan, J)

Spd/-

AFR/NAFR	NAFR
CAV DATE	NA
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