

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Civil Writ Jurisdiction Case No.8306 of 2016**

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Kunwar Ajit Singh (Advocate), son of Late Makeswar Singh, Resident of Village - Adarsh Colony, Road No. 1, Khemani Chak, P.S. - Ram Krishna Nagar, District - Patna.

.... .... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Department of Home, Government of Bihar, Patna.
2. The Principal Secretary, Department of Home, Government of Bihar, Patna.
3. The District Magistrate, Patna.
4. The Senior Superintendent of Police, Patna.
5. The District Arms Magistrate, Patna.
6. The Sub Divisional Magistrate, Patna.
7. The Deputy Superintendent of Police (Sadar), Patna.
8. The Station House Officer, Gauri Chak, Patna.
9. The Station House Officer, Ram Krishna Nagar, Patna.

.... .... Respondents

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**Appearance :**

For the Petitioner : Mr. Raghvendra Kumar Singh, Advocate  
For the State : Mr. Sanjay Kumar Ojha, A.C. to G.P. 18

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**CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN**

**ORAL JUDGMENT**

**Date: 20-06-2016**

Heard learned counsel for the petitioner and the State.

This is yet another case in which the District Magistrate, Patna has decided the matter without considering the decision of this Court rendered in **Manish Kumar Vrs. State of Bihar and other analogous cases [AIR 2016 Patna 9]**, though on the earlier occasion also, he has rejected the application of the petitioner vide Annexure 9 which was challenged by filing C.W.J.C. No.22314 of 2013 and was allowed in terms of the issues decided in



**Manish Kumar (Supra).** However, again without considering such decision, the order has been passed which has not only been done in the present case rather the same has been done in several other matters also. Rejection is on the ground that the police had reported at serial no.9, “yes” to the query as to whether the grant of licence to the petitioner would have adverse effect upon the public peace or not. However, he forgets that nothing adverse has been recorded against the petitioner in the concerned report itself for example his involvement in criminal case or any criminal activities. That apart, the Superintendent of Police vide Annexure 6 has made specific recommendation for grant of licence. Second ground taken for refusal is that his brother has already been granted licence. In my view, such ground is also not tenable inasmuch as the licence is granted to a person not to a family. Thus, even if the petitioner faces any danger, he cannot utilize the gun for which the licence has been given to his brother. Third ground having been taken is that petitioner’s request for grant of licence has been refused on earlier occasion also. This stand, apart from being erroneous, may be contumacious in nature also inasmuch as the earlier order was quashed vide Annexure 1 by this Court. The moment the order was quashed by the court of law the Licensing Authority cannot bank upon such order. However, it is submitted that M.J.C. No.988 of 2016 is pending for initiation of

proceeding of contempt. That apart, it is stated that several licenses were granted by the Licensing Authority on identical situation. Some orders have been appended as Annexure 11 series.

Accordingly, this writ application stands allowed. The impugned order as contained in Annexure 10 is quashed and set aside. The matter is remitted back to the Licensing Authority for taking a fresh decision on its own merit and in accordance with law after considering the ratio laid down by this Court in **Manish Kumar** (Supra) and the observations made in the present order within a period of two months from the date of receipt/production of a copy of this order. He would also be obliged to consider Annexure – 11 series as it is claimed that persons on identical footing have already been granted licence.

**(Dr. Ravi Ranjan, J)**

Sanjay-II/-

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