

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.8693 of 2016

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Tarkeshwar Nath Thakur Advocates S/o late Daroga Thakur Resident of Mohalla-
Maulabagh, PS Ara Nagar, District Bhojpur.

.... Petitioner

Versus

1. The State of Bihar.
2. The District Magistrate, Bhojpur at Ara.
3. The District Arms Magistrate, Bhojpur at Ara.
4. The Superintendent of Police, Bhojpur, Ara
5. The Officer-in-Charge, PS Town Ara.

.... Respondents

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Appearance :

For the Petitioner : M/s Shri Prakash Srivastava,
Anu Priyadarshni, Advocates

For the State : Mr. S. Raza Ahmad- AAG 9

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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.

This is yet another case in which firearm licence has been refused on the ground of lack of production of evidence regarding specific threat perception and also on the ground of so-called guidelines of the Home Ministry, Government of India, contained in letter dated 31st March, 2010.

In my view both the grounds are not tenable as the same



have been considered and decided by this Court in **Manish Kumar Vrs. State of Bihar and other analogous cases [AIR 2016 Patna 9]** holding that lack of production of evidence regarding threat perception does not form a ground for rejection of an application for grant of arm licence under section 14 of the Arms Act, 1959. It cannot be held that unless a person has been subjected to any overt act he does not have any threat perception. The so-called guidelines of the Home Ministry has also been considered in the aforesaid decision holding that it is merely to the extent that the person having threat perception can also be given licence but it would not oust the other persons. However, in the present case the petitioner has already been granted licence for N.P.Bore rifle which must have been granted by the licensing authority after satisfying itself that the petitioner is having threat perception.

Accordingly, the impugned order (Annexure 4) is quashed and set aside.

Matter is remitted back to the District Magistrate – cum – Licensing Authority, Bhojpur for fresh consideration of the matter in accordance with law within a period of three months from the date of receipt / production of a copy of this order . While doing so he would be obliged to consider the decision of this Court rendered in **Manish Kumar (supra)**.

Petitioner would have required to explain regarding his address as per the report of the Superintendent of Police.

This writ application stands allowed to the extent indicated above.

(Dr. Ravi Ranjan, J)

Spd/-

AFR/NAFR	NAFR
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