

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.8681 of 2016

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Devendra Kumar Singh @ Devendra Singh, S/o Late Shiv Nandan Singh, R/o Vill.-
Bihat (Gurdash Pur Tola), P.S.- Barauni (FCI- O.P.), District- Begusarai

.... Petitioner

Versus

1. The State of Bihar through the Director General of Police, Govt. of Bihar, Patna
2. The Divisional Commissioner, Munger Region, Munger
3. The District Magistrate, Begusarai
4. The Superintendent of Police, Begusarai
5. The Officer in Charge, Barauni- FCI O.P. Police Station, Begusarai

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Shubhesh Pandey, Advocate

For the Respondent/s : Mr. Shailesh Kumar, AC to G.P.-20

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 04-07-2016

I.A. No.5228 of 2016

This interlocutory application has been filed for amendment in the relief portion as the petitioner though had appended the order dated 15.01.2015 refusing firearms licence to the petitioner, he inadvertently only had sought relief for a direction to grant firearm licence to him. Now he seeks quashing of Annexure-2 also.

In the facts and circumstances of the case and further fact that petitioner had already appended Annexure-2, this interlocutory application stands allowed. The relief mentioned in paragraph 2 (e) of the interlocutory application will form part of the writ petition.

C.W.J.C.No.8681/2016

The petitioner seeks quashing of the order dated 15.01.2015 as contained in Annexure-2 and also the appellate order dated 18.03.2015 passed by the Divisional Commissioner, Munger as contained in Annexure-6 by which he has dismissed the appeal preferred against the aforesaid order of the licensing authority.

Ordinarily, after allowing such interlocutory application, this Court would have granted further adjournment to the State for filing counter affidavit, however, in view of nature of the order, which is going to be passed, the same is being considered without waiting further for filing of the counter affidavit.

It is contended that the refusal is on the ground of lack of evidence regarding specific threat perception upon the petitioner.

This issue is no longer *res-integra* as the same has already been considered and decided by this Court in ***Manish Kumar Vs. The State of Bihar and Ors. reported in 2015 (4) PLJR 212*** holding that non-production of any evidence regarding specific threat perception upon the applicant cannot form a ground for refusal of arms licence under Section 14 of the Arms Act, 1959.

Accordingly, this application succeeds. The impugned order, as contained in Annexures-2 and 6, are quashed and set aside. The matter is remitted back to the District Magistrate-cum-licensing authority, Begusarai for fresh consideration in accordance with law.

While doing that, he will also consider the further development as the petitioner claims that he was threatened and was asked extortion money for which Barauni P.S. Case No.60/2015 has been registered.

It is expected that the entire exercise would be completed within a period of three months from the date of receipt/production of a copy of this order.

(Dr. Ravi Ranjan, J)

V.K. Pandey/-

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	08.07.2016
Transmission Date	N.A.