

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.22363 of 2014

Manish Kumar Gupta, S/o Late Suraj Prasad, resident of Mohalla - Shivganj, P.S.-
Dehari, District - Rohtas.

.... Petitioner

Versus

1. State of Bihar, through Commissioner, Patna.
2. Commissioner, Patna Division, Patna.
3. District Magistrate, Rohtas at Sasaram.
4. The Superintendent of Police, Rohtas at Sasaram.
5. Officer- in-Charge, Dehari Police Station - Rohtas.

.... Respondents

Appearance :

For the Petitioner : Mr. Pramod Kumar Singh, Advocate
For the State : Mr. A. Ujjwal, SC25,
Mr. Upendra Pratap Singh, A.C. to S.C. 25

CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 16-05-2016

Heard learned counsel for the petitioner and the State.

Petitioner seeks quashing of Annexure 4 which is an order dated 03.02.2012 passed by the District Magistrate-cum-Licensing Authority, Rohtas at Sasaram. He also assails the appellate order dated 29.07.2014 as contained in Annexure 5 by which his appeal has been dismissed and the order passed by the Licensing Authority has been upheld.

It appears from the impugned order that ground for rejection is lack of specific evidence regarding threat perception. However, this issue is no longer *res integra* as this Court in **Manish**

Kumar Vrs. State of Bihar and other analogous cases [AIR 2016 Patna 9] has already held that lack of production of specific evidence regarding threat perception does not form a ground for refusal of licence under Section 14 of the Arms Act, 1959. The letter/circular of the Home Ministry, Government of India dated 21.03.2010 has also been considered in the aforesaid decision holding that it is only to the extent that a person who is having threat perception may also be considered for grant of licence but it does not mean that it will oust all others persons.

Accordingly, this writ application succeeds. The impugned orders, as contained in Annexure 4 and 5, are quashed and set aside. The matter is remitted back to the District Magistrate-cum-Licensing Authority, Rohtas at Sasaram for taking a fresh decision in accordance with law within a period of four months from the date of receipt/production of a copy of this order. However, it is made clear that while doing so, he would be obliged to consider the ratio decided in **Manish Kumar (Supra)**.

Sanjay-II/-

(Dr. Ravi Ranjan, J)

AFR/NAFR	NAFR
CAV DATE	NA
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