

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5947 of 2014

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Binod Kumar Son Of Late Raghunandan Singh Resident Of Village
Dumrawan P.S. Asthawan, District Nalanda

.... Petitioner

Versus

1. The State Of Bihar Through The Principal Secretary Department Of
Home, Govt. Of Bihar, Patna
2. The Divisional Commissioner, Patna
3. The District Magistrate, Nalanda
4. The District Arms Magistrate, Nalanda

.... Respondents

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Appearance :

For the Petitioner : Mr. Lovekush Kumar, Advocate

For the State : Mr. A.K. Jha, A.C. to A.A.G. 13

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN
ORAL ORDER

2 04-01-2016

Heard learned counsel for the petitioner and the State.

Petitioner is aggrieved by the Annexure 4 dated 27.01.2010 issued by the District Arms Magistrate, Nalanda that, vide order passed by the District Magistrate, his application for grant of licence has been cancelled on the ground that the Superintendent of Police though has recommended the case of the petitioner but has not stated that there is any threat upon the petitioner. The petitioner preferred appeal no.31/10 but that has also been dismissed vide Annexure 5 by the Commissioner, Patna.

Learned counsel for the petitioner submits that this decision of the licensing authority as disclosed in the Annexure 4 is in teeth of law laid down of this Court rendered in **Manish**

Kumar Vrs. State of Bihar and other analogous cases [2015(4) PLJR 212] as lack of evidence regarding threat perception cannot form a ground for refusal of licence under Section 14 of the Arms Act, 1959.

As a result, this writ petition succeeds in terms thereof. Both the impugned orders are quashed and set aside. The matter is remitted back to the licensing authority for taking a fresh decision in accordance with law within a period of three months from the date of receipt/production of a copy of this order.

(Dr. Ravi Ranjan, J)

Sanjay-II/-

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