

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8698 of 2014

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Malike Aster

.... Petitioner

Versus

The State of Bihar & Ors

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Syed Asgher Najmi, Advocate

For the Respondent/s : Mr. Gyan Shanker AC to GP-6

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN
ORAL ORDER

2 18-01-2016

Heard the parties. The petitioner is aggrieved by

the order dated 10.11.2011 passed by the District Magistrate-Cum-Licensing Authority (Purnea) in arms licence no. 21/2010 (reference contained in Annexure 2) by which his application for grant of licence for S.B.B.L. gun has been rejected on the ground of lack of specific evidence regarding threat perception. He also assails the appellate order dated 18.12.2013 passed by the Divisional Commissioner, Purnea in Arms Appeal No. 346/2013 as contained in Annexure 1 by which his appeal has been dismissed and the order passed by the Licensing Authority has been upheld.

The issue is no longer *res integra* as the matter has already been considered and decided in *Manish Kumar v. Stated of Bihar & ors. (AIR 2016 Pat 9)* holding that lack of

specific evidence regarding threat perception does not form a ground for refusal of licence under section 15 Arms Act.

Accordingly, the writ application succeeds. The impugned order is set aside and the matter is remitted back to the Licensing Authority for taking fresh decision within a period of three weeks from the date of receipt/ production of a copy of this order.

(Dr. Ravi Ranjan, J.)

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