

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.5230 of 2014

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And Kumar Singh, Son Of Late Ram Ashish Singh, Resident Of Village- Sarari,
P.O. Khagaul, P.S.- Shahpur, District- Patna

.... Petitioner

Versus

1. The State Of Bihar
2. The District Magistrate, Patna

.... Respondents

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Appearance :

For the Petitioner : Mr. Vijay Kumar Singh, Advocate

For the State : Mr. Mritunjay Kumar Singh, AC to SC III

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 11-01-2016

Heard learned counsel for the petitioner and the
State.

Petitioner is aggrieved by the order dated
12.11.2013 as contained in Annexure 5 passed by the District
Magistrate – cum – licensing authority, Patna by which his
application for grant of arms licence has been rejected. On
earlier occasion also the petitioner had filed an application for
grant of licence which was rejected on the ground that necessary
inforamtions were not given in the application form. Appeal
was also dismissed. The petitioner had approached this Court by



filing C.W.J.C. No. 7591/2012 which was disposed of vide order dated 7.2.2013 (Annexure 1) granting liberty to the petitioner to file a afresh application before the licensing authority which was eventually filed and again that has been rejected by the licensing authority vide impugned order contained in Annexure 3. It appears from the order that rejection is on the ground that there is no evidence regarding any threat perception upon the petitioner. However, this issue is no longer *res integra* as it has already been considered and decided in **Manish Kumar Vrs. State of Bihar) and other analogous cases [AIR 2016 Pat 9]** holding that such ground is not available for refusal of licence under the Arms Act, 1959.

Accordingly, this writ application succeeds. The impugned order is set aside. The matter is remitted back to the licensing authority concerned to take a fresh decision in accordance with law. It is made clear that the only ground which has been taken for rejection is lack of evidence regarding threat perception which has been held to be bad in view of the aforesaid decision of this Court. Thus, if there is no subsequent development after passing of the impugned order disentitling the petitioner from grant of arms licence, the petitioner would be entitled for grant of the same. However, in case there was some

serious ground for refusal even before passing of the impugned order but the same could not be considered by the licensing authority then the authority would be at liberty to consider that also.

(Dr. Ravi Ranjan, J)

Spd/-

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