

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.11804 of 2016

Vinod Kumar Choubey, S/o Late Sudarshan Choubey, R/o Village Bidamanchak,
P.O. Urri, P.S. - Ramgarh, Distt - Kaimur.

.... Petitioner

Versus

1. The State of Bihar.
2. The Collector, Kaimur at Bhabua.
3. The Arms Magistrate, Kaimur at Bhabhua.
4. The Sub-Divisional Magistrate, Mohania, Kaimur.
5. The Superintendent of Police Kaimur at Bhabhua.
6. The Officer In charge, Ramgarh, P.S. and Distt. Kaimur.
7. The Anchaladhikari, Ramgarh, Distt. - Kaimur.

.... Respondents

Appearance :

For the Petitioner	:	Mr. Ravi Shankar Sahay, Mr. Ajay Nandan Sahay, Mr. Navin Kumar Jha, Mr. Vikalp, Advocates
For the State	:	Mr. Harish Kumar, G.P. 8

CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 28-11-2016

Heard parties.

The application for grant of licence of the petitioner has been rejected vide order dated 16.06.2016 as contained in Annexure 1 on the ground of lack of any evidence regarding specific threat perception.

The 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 held that such ground is not available under Section 14 of the Arms Act, 1959 for refusal of licence. Threat

perception does not mean that a person, to qualify him to get arms licence, would have to suffer actual overt act rather mere apprehension would be enough.

Accordingly, this writ application succeeds. The impugned order, as contained in Annexure 1, is quashed and set aside. The matter is remitted back to the Licensing Authority for taking a fresh decision on its own merit and in accordance with law within a period of four months from the date of receipt/production of a copy of this order.

(Dr. Ravi Ranjan, J)

Sanjay-II/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	28.11.2016
Transmission Date	NA