

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.13638 of 2016

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Gopal Jee Pandey, S/o Late Ramashish Pandey, Village Dhanchhuhan, P.O.-
Mohanpur, P.S.- Karakat, District- Rohtas.

.... Petitioner

Versus

1. The State of Bihar.
2. The District Magistrate, Rohtas.
3. The Additional Collector cum District Arms Officer, Rohtas Sasaram.
4. The Sub- Divisional Officer, Bikramganj, Rohtas.
5. The Superintendent of Police, Rohtas at Dehri On sone.
6. The Deputy Superintendent of Police, Bikramganj, Rohtas.
7. The Officer-in-Charge, Karakat Police Station, Rohtas.

.... Respondents

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Appearance :

For the Petitioner	:	Mr. Rakesh Narayan Singh, Mr. Kanhaiya Pandey, Advocates
For the State	:	Mr. Partha Sarthi- GA4, Mr. Apurva Kumar, A.C. to G.A. 4

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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 29.08.2013 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 three months from the date of receipt/production of a copy of this order. While taking such decision, the licensing authority would be obliged to consider and refer decision of this Court rendered in **Manish Kumar Vrs. State of Bihar and other analogous cases [AIR 2016 Patna 9]**.

Sanjay-II/-

(Dr. Ravi Ranjan, J)

AFR/NAFR	NAFR
CAV DATE	NA
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