

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.4134 of 2016

Rajiv Kumar, Son of late Rajo Rai, resident of Village- Dilabarpur
Goverdhan P.S. Biddupur ,District Vaishali.

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary Home (Police)
Department , Government of Bihar, Patna.
2. The Commissioner Tirhut Division Muzaffarpur.
3. The District Magistrate, Vaishali.
4. The Superintendent of Police Vaishali.
5. The S.D.O. Hajipur at Vaishali.
6. The District Arm Magistrate Vaishali.
7. The Officer-in-Charge Biddupur Police Station Biddupur District
Vaishali.

.... Respondents

Appearance :

For the Petitioner : Mr. Binay Kumar, Advocate
For the State : Mr. S. Rahman, A.C. to S.C. 7

CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 28-03-2016

Heard learned counsel for the petitioner and the State.

Petitioner seeks quashing of the order dated 30.01.2016

(Annexure 5) which is an intimation by the District Arms Magistrate to the petitioner that the District Magistrate, Vaishali, who happens to be the licensing authority, has rejected his application for grant of licence for N.P. Bore revolver/pistol on the ground that the petitioner is a teacher in the middle school and he is not in the hit list of any extremist fundamental organization or noted criminals and he has not been subjected to any criminal offence.

In my view, the impugned decision is fit to be quashed for the reason that for getting a firearm licence one does not have to face actual overt act or criminal occurrence. If a person is not in the hit list it does not necessarily mean that licence should not be given to him. This Court has already held in **Manish Kumar Vrs. State of Bihar and other analogous cases [AIR 2016 Patna 9]** that lack of production of specific evidence regarding any threat perception does not form a ground for rejection of application for grant of arms licence under Section 14 of the Arms Act, 1959 as one does not have to suffer overt act for coming within the yardstick of threat perception. Mere apprehension would be enough.

Accordingly, this application succeeds. The impugned order, as contained in Annexure 5, is 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 four months from the date of receipt/production of a copy of this order.

(Dr. Ravi Ranjan, J)

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