

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.8892 of 2016

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Arun Kumar, Son of Kanhaia Singh, Resident of Village Mahnar, P.S. Nanijor,
District Buxar.

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Home (Special) government of Bihar, Patna.
2. The District Magistrate, Buxar.
3. The Superintendent of Police, Buxar.
4. The District Arms Magistrate, Buxar.

.... Respondents

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Appearance :

For the Petitioner : Ms. Nutan Kumari Sharma, Advocate
For the State : Mr. Anisul Haque, A.C. to A.A.G. 9

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 20-06-2016

Heard learned counsel for the petitioner and the State.

Petitioner challenges the order dated 04.05.2015
(Annexure 3) passed by the District Magistrate, -cum-Licensing
Authority, Buxar by which his application for grant of firearm licence
has been rejected on the ground of lack of evidence of threat
perception.

Petitioner's father is holding licence no.466/1983. It is
contended that in view of his old age, now he wants to transfer the
licence to his son, i.e., the petitioner. The issue is no longer *res*
integra as it has been considered and decided in **Manish Kumar Vrs.**
State of Bihar and other analogous cases [AIR 2016 Patna 9]

holding that lack of evidence regarding threat perception does not form a ground for refusal of licence under Section 14 of the Arms Act, 1959. In the aforesaid order, the letter of the Central Government quoted in the order has also been considered.

Accordingly, this writ application stands allowed. The order impugned 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 doing so, he would be obliged to consider the ratio of the decision of this Court in **Manish Kumar (Supra)** as well as the Family Heirloom Policy.

(Dr. Ravi Ranjan, J)

Sanjay-II/-

AFR/NAFR	NAFR
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