

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.9048 of 2016

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Shabeena Khatoon, wife of Enayat Ali, Resident of Mohalla- Bihari Saw Lane,
P.O.- Bankipur, P.S.- Pirbahore, District- Patna.

.... Petitioner

Versus

1. The State of Bihar through the Chief Secretary, Old Secretariat, Patna.
2. The Divisional Commissioner, Patna Division, Patna.
3. The District Magistrate, Patna.
4. The Arms Magistrate, Patna.

.... Respondents

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Appearance :

For the Petitioner : Mr. Kumar Rajeev, Advocate
For the State : Mr. S. K. Sarat, A.C. to G.P. 18

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 27-06-2016

Heard learned counsel for the petitioner and the
State.

Petitioner is aggrieved by the order dated
14.01.2016 (Annexure 3) by which her application for grant of
firearm licence has been rejected by the District Magistrate,
Patna.

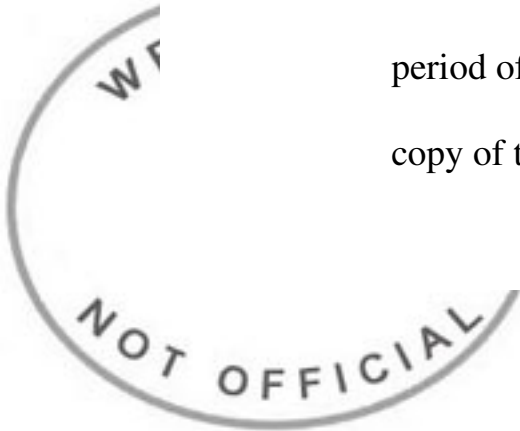
From perusal of the record, it appears that
rejection is chiefly on the ground that petitioner's husband and

her father-in-law are already possessing firearm under valid licence and, therefore, there is not requirement for issuing licence to her and also that the gun in her hand may prove detrimental for the public peace and tranquility.

In my view, both the grounds are not tenable. Even in the adverse situation, the petitioner cannot be allowed to use a gun held by her husband or her father-in-law. Both of them may not be available all the time to protect the petitioner, therefore, such ground that since other family members are having firearm licence would not be available for refusal of firearm licence. So far the observation that gun in the hand of the petitioner may be detrimental for public peace and tranquility is concerned, that is also not tenable inasmuch as no reason has been assigned for reaching to conclusion. It is not stated that petitioner is involved in any criminal case or she has engaged herself in any type of criminal activity or any other activities which would be detrimental for the peace and tranquility of the society rather a bald observation has been made by the Licensing Authority for the purpose of denial of firearm licence to the petitioner, who happens to be a lady.

Accordingly, this writ application stands allowed. The impugned order 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.



(Dr. Ravi Ranjan, J)

Sanjay-II/-

AFR/NAFR	NAFR
CAV DATE	NA
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