

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.12051 of 2016

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Shailendra Kumar, S/o Sri Mathura Prasad, Resident of Dayachak, Ward No.2,
Barh, P.S. Barh, District- Patna.

.... Petitioner

Versus

1. District Magistrate, Patna Collectariat, Patna.
2. Senior Superintendent of Police, Patna District, Patna.
3. Officer-in-Charge, Barh Police Station, Barh.

.... Respondents

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Appearance :

For the Petitioner	:	Mr. Ihrarr Hussain, Mr. A. K. Saxena, Advocates
For the State	:	Mr. Anant Pd. Singh, S.C. 15, Mr. Sanjay Kumar, A.C. to S.C. 15

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 21-11-2016

Heard learned counsel for the petitioner and the State.

Petitioner's application for grant of licence has been rejected vide Annexure 1 on the ground that petitioner's does not have any threat perception as the petitioner has not been subjected to any overt act or any criminal act as also that the petitioner's application was rejected on earlier occasions on 18.09.2007 and 13.09.2013. The order dated 22.10.2013 has also been appended as Annexure 4, from which, it appears that the earlier application was also rejected on the ground that there is no evidence of threat perception.

In my view, such repeated stand being taken by the Licensing Authority is not correct as this Court in **Manish Kumar**



Vrs. State of Bihar and other analogous cases [AIR 2016 Patna 9]

has already held that lack of production of evidence regarding specific threat perception does not form a ground for refusal of arms licence and also that for qualifying himself to get a firearm licence, a person is not required to be subjected to overt act. Mere apprehension would be enough. It does not appear from the order that it has been passed after considering such view of this Court and the order is merely repetition of its earlier order. The petitioner has appended the report of the Officer-in-Charge which clearly indicates that in view of extortion money having been demanded, his brother had made a complaint before the police, upon which a police case was registered under Section 384 and 385 of the I.P.C. and for which entire family is being threatened. The officer-in-charge has recommended the case of the petitioner on the ground that he needs firearm for the purpose of safety of his life and property.

In view of the recommendation of the above materials, the order impugned, as contained in Annexure 1, in my considered opinion, is not sustainable in law.

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.

(Dr. Ravi Ranjan, J)

Sanjay-II/-

AFR/NAFR	NAFR
CAV DATE	NA
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