

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.6919 of 2014

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Satyendra Kumar Son Of Late Janardan Prasad Singh Resident Of Village:
Ramtari, P.O. Lai, P.S.: Bihta, District: Patna

.... Petitioner

Versus

1. The State Of Bihar
2. The Commissioner, Patna Division, Patna
3. The District Magistrate, Patna
4. The Superintendent Of Police, Patna
5. The Officer-In-Charge, Bihta Police Station, District: Patna

.... Respondents

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Appearance :

For the Petitioner : Mr. Satyapal Singh, Advocate
For the State : Mr. Prabhat Kumar, AC to GA 2

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 18-01-2016

Heard learned counsel for the petitioner and the State.

Petitioner is aggrieved by the order dated 16.4.2013 as contained in Annexure 1 passed by the District Magistrate, Patna by which he has rejected the application for grant of arms licence. Petitioner's application for granting arms licence was rejected earlier also which was assailed by filing appeal before the Commissioner, Patna Division, Patna which was allowed by order as contained in Annexure 3 after holding that perusal of order shows non application of mind. Thereafter, the present order has been passed. It has been



stated that the Sr. S.P., Patna has not recommended but has merely forwarded the case of the petitioner. It has also been stated that if there is no recommendation for the grant of arms licence to the particular persons and merely forwarding is there then it should be understood that the case has not been recommended. It has further been stated that there is no specific threat perception upon the petitioner.

In my view, order impugned is not at all sustainable in law. The police officials are required to give specific opinion upon the case of the applicant after due inquiry. That apart, lack of specific evidence regarding threat perception does not form any ground for refusal of arms licence under Section 14 of the Arms Act, 1959. A reference in this regard is made to the decision rendered by this Court in **Manish Kumar Vrs. State of Bihar)** and other analogous cases [AIR 2016 Pat 9] .

Accordingly, the impugned order is quashed and set aside.

The matter is remitted back to the Licensing Authority for taking fresh decision, who would require to seek report from the competent authority of police which should, after due inquiry would report the same with clear recommendation either for grant or non grant of licence to the petitioner. Thereafter, such decision in accordance with law should be taken by the licensing authority. It is

expected that the whole exercise would be completed within a period of three months from the date of receipt / production of a copy of this order.

This writ application stands allowed to the extent as indicated above.

(Dr. Ravi Ranjan, J)

Spd/-

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