

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.562 of 2016

Amrendra Kumar Singh, Son of Late Radha Singh, resident of Village- Gajraj
Gaurakshni, P.O & P.S.- Sasaram,, District- Rohtas.

.... Petitioner

Versus

1. The State of Bihar.
2. The Commissioner, Central Zone, Bihar, Patna.
3. The District Magistrate/Collector, Rohtas at Sasaram.
4. The S.P. Rohtas at Sasaram.
5. The Arms Magistrate, Rohtas at Sasaram.
6. The S.D.P.O. Sasaram, District- Rohtas.
7. The S.H.O. Sasaram Town Police Station, Rohtas.

.... Respondents

Appearance :

For the Petitioner/s : Mr. Kamal Kant Pandey, Advocate
Ms. Kumari Ranjana Bharti, Advocate
Ms. Deepti Pandey, Advocate
For the Respondent/s : Mr. Brajesh Kumar, AC to AAG-11

CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN
ORAL JUDGMENT

Date: 18-01-2016

Heard learned counsel for the petitioner and the State.

The petitioner seeks quashing of the order dated
18.04.2013 by which the application for grant of arms licence filed by
the petitioner has been rejected.

A ground has been taken that the petitioner did not appear
on the date fixed by the Licensing Authority and the petitioner cannot
be given firearm licence as the same may be detrimental for public
peace and tranquility.

In my view, since the petitioner did not appear, such view

could not have been taken by the Licensing Authority as no reason has been assigned for reaching to that conclusion. Merely quoting a passage from some advisory of Government of India that holding of sophisticated arms by the conflicting parties directly contributes towards lethality of violent acts would not be sufficient as it has nowhere stated in the order that the petitioner is in conflict with some person and that has formed the basis for the Licensing Authority to reach to a conclusion that a firearm in the hands of the petitioner would not be safe.

Accordingly, in my view, the impugned order cannot be sustained in law and the same is quashed and set aside. The matter is remitted back to the Licensing Authority to fix another date and communicated the same to the petitioner, who would be required to appear on the date fixed. Thereafter, a decision should be taken by the Licensing Authority.

This writ application stands allowed.

(Dr. Ravi Ranjan, J)

V.K. Pandey/-

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