

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7053 of 2014

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Satya Narayan Yadav S/O Late Sarvjeet Yadav Resident of Prabhat Colony,
Kautilya Mar, P.S. K. Hat, District- Purnea

.... Petitioner

Versus

1. The State of Bihar
2. Commissioner, Purnea Division, Purnea
3. District Magistrate, Purnea
4. Superintendent of Police, Purnea
5. Sub Divisional officer, Sadar, Purnea
6. District Arms officer, Purnea
7. Deputy Superintendent of Police (Head Quarter) Purnea
8. Circle officer, Purnea East, Purnea
9. officer-In-Charge, K. Hat Police Station, Purnea

.... Respondents

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Appearance :

For the Petitioner : M/s. Dronacharya,
Ravi Kumar, Advocates

For the State : Mr. Nadim Seraz, G.P. 20,
Mr. Dhurendra Kumar, A.C. to G.P. 20

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN
ORAL ORDER

3 14-03-2016 Heard learned counsel for the petitioner and the

State.

Petitioner is aggrieved by the order dated
31.03.2012 (Annexure 9) passed by the District Magistrate-cum-
Licensing Authority, Purnea by which his application for grant of
arms licence has been rejected. Petitioner also assails the order

dated 13.11.2013 (Annexure 10) passed by the Commissioner, Purnea Division in Arms Appeal No.18/2013 upholding the aforesaid order and dismissing the appeal.

Rejection is on the two grounds that the age of the petitioner is about 70 years and there is no specific averment in the police report regarding threat perception upon the petitioner.

Both grounds are not available for refusal of licence under Section 14 of the Arms Act, 1959. The Licensing Authority would have to assess as to whether, irrespective of the age, the applicant would be capable of using the concerned firearm or not. Merely on the basis of age, it cannot be presumed that a person is not capable of using the same. Secondly, if the police has not given any evidence regarding threat perception that also cannot form a ground for refusal as it has already been held by this Court in **Manish Kumar Vrs. State of Bihar and other analogous cases [AIR 2016 Patna 9]** that non-production of specific evidence regarding any threat perception cannot form a ground for rejection of application for grant of arms licence to the petitioner.

Accordingly, this application succeeds. Both the impugned orders are quashed and set aside. The matter is remitted back to the Licensing Authority for taking a fresh decision within

a period of three months from the date of receipt/production of a copy of this order. While doing so, he would be at liberty to assess the physical condition of the petitioner regarding his capability of keeping and using the firearm.

(Dr. Ravi Ranjan, J)

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