

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No. 12347 of 2016

=====

Akhileshwer Upadhaya, S/o Sri Tarkeshwar Upadhaya, R/o Vill+ P.O.-
Sukarwaliya, P.S.- Itadhi, Distt- Buxar.

.... Petitioner.

Versus

1. The State of Bihar through Chief Secretary
2. The District Magistrate, Buxar,
3. The Arms Magistrate, Buxar,
4. The Superintendent of Police, Buxar,
5. The Officer-In-Charge, Itadhi, Block, P.S- Itadhi, Distt. Buxar.

.... Respondents

=====

Appearance :

For the Petitioner : Mr. Rajiv Ranjan Kr. Pandey, Adv.

: Mr. Kritya Nand Jha, Adv.

For the Respondents: Mr. Ravindra Kumar, AC to AAG-6.

=====

CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 28-11-2016

Heard learned counsel for the petitioner and the State.

Petitioner's application for grant of licence of firearm
has been rejected on 22.02.2016, as contained in Annexure-6
passed by the Licensing Authority-cum-District Magistrate,
Buxar in Arms Appeal No. 59/2015 on the ground of lack of
evidence regarding specific threat perception.

The issue is no longer *res integra* as this Court has
considered the issues in **Manish Kumar Vs. The State of Bihar
and Ors. [2015(4) PLJR 212]** holding that lack of evidence
regarding threat perception upon the applicant cannot form a



ground for refusal of arms licence under Section 14 of the Arms Act.

As a result, the impugned order 22.02.2016, as contained in Anneuxre-6 is, hereby, set aside and the matter is remitted back to the authority concerned to take a fresh decision in accordance with law within a period of three months from the date of receipt/production of a copy of this order.

However, it would be open to the Licensing Authority-cum-District Magistrate, Buxar to seek a fresh police report in the matter.

Accordingly, this writ petition stands allowed.

(Dr. Ravi Ranjan, J.)

Vikash/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	13.02.2017
Transmission Date	NA

