

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.11293 of 2016

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Rajesh Ranjan Sahay, son of Shri Girish Lal “ SHANTI VILLA”, resident of
Mohalla- Bahuwar Chaura, P.S. Civil Lines, District- Gaya

.... Petitioner

Versus

1. The State of Bihar, through the Collector-cum-District Magistrate, Gaya (Bihar)
2. The Superintendent of Police, Gaya (Bihar)
3. The Sub-Divisional Police Officer, Town, Gaya (Bihar)
4. The Officer in charge, P.S. – Civil Lines Gaya (Bihar)

.... Respondents

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Appearance :

For the Petitioner : Mr. Rajesh Kumar Mishra, Advocate
For the State : None

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 01-08-2016

Heard learned counsel for the petitioner. No one appears on behalf of the State.

Though a copy of this application has been served upon the State on 20.06.2016, no counter affidavit has been filed.

Petitioner seeks quashing of the order dated 8.6.2015, as contained in Annexure 4, passed by the District Magistrate-cum-Licensing Authority, Gaya by which he has refused to grant firearm licence to the petitioner on the ground that petitioner has not been able to satisfy by producing evidence regarding existence of any threat perception upon him specially when he is an advocate.

In my view, the order impugned cannot be sustained in law. 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 under Section 14 of the Arms Act, 1959. That apart, there is no presumption that advocates do not have any threat perception.

Accordingly, this writ application succeeds. The impugned order, as contained in Annexure 4, 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 also considering the ratio laid down in **Manish Kumar (Supra)** 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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