

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Civil Writ Jurisdiction Case No.11201 of 2016**

=====

Randhir Kumar, son of Indradeo Prasad, resident of Mohalla Kautilya Nagar, Hilsa,  
P.S. and Post - Hilsa, District - Nalanda.

.... .... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Commissioner Patna Division, Patna.
3. The District Magistrate, Nalanda at Biharsharif.
4. The District Arms Magistrate, Nalanda at Biharsharif.
5. The Superintendent of Police, Nalanda at Biharsharif.

.... .... Respondent/s

=====

**Appearance :**

For the Petitioner/s : Mr. Naseem Muhtar, Advocate

For the Respondent/s : Mr. Sanjay Kumar, AC to GP 23

=====

**CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN**

ORAL JUDGMENT

**Date: 01-08-2016**

Heard parties.

This is yet another case in which application for grant of firearms licence has been rejected on the ground that no specific evidence could be produced indicating threat perception upon the petitioner.

This issue is no longer *res-integra* as the same has already been considered and decided by this Court in ***Manish Kumar Vs. The State of Bihar and Ors. reported in 2015 (4) PLJR 212*** holding that threat perception can never mean that there should be actual overt act upon such person rather apprehension in that respect would be enough. That apart, it has also been held that

non-production of evidence regarding threat perception upon the applicant cannot form a ground for refusal of arms licence under Section 14 of the Arms Act, 1959. The letter of the Central Government referred in the impugned order as contained in Annexuure-1 also stands discussed and considered in the aforesaid decision.

As a result, this application succeeds. The impugned order dated 25.06.2015, as contained in Annexure-1, is quashed and set aside. The matter is remitted back to the licensing authority for fresh consideration in accordance with law within a period of two months from the date of receipt/production of a copy of this order. While doing so, apart from considering the decision rendered by this Court in **Manish Kumar (Supra)**, the licensing authority would also be obliged to consider Annexure-3 and the Superintendent of Police, Nalanda at Biharsharif would be at liberty to send a fresh report in view of Annexure-3 to the licensing authority.

(Dr. Ravi Ranjan, J)

S.Ali/-

|                   |            |
|-------------------|------------|
| AFR/NAFR          | N.A.F.R.   |
| CAV DATE          | N.A.       |
| Uploading Date    | 15.08.2016 |
| Transmission Date | N.A.       |