

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.11231 of 2016

=====

Ravi Kumar @ Gandhiji, S/o Late Kailash Singh, R/o village - Babhandih, P.O. Chitokhar, P.S. Nasriganj, District - Rohtas

.... Petitioner

Versus

1. The State of Bihar
2. The Principal Secretary, Department of Home, Government of Bihar, Patna
3. The Commissioner, Patna Division, Patna
4. The District Magistrate, Rohtas
5. The Additional Collector Cum District Arms Magistrate, Rohtas

.... Respondents

=====

Appearance :

For the Petitioner : Mr. Prabhat Ranjan Singh,
Mr. S. S. Tiwary, Advocates

For the State : Ms. Kumari Ranjan Bharti, A.C. to S.C. 21

=====

CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 01-08-2016

Heard learned counsel for the petitioner and the State.

Petitioner seeks quashing of Annexure 1 by which his application for grant of firearm licence has been rejected by the District Magistrate-cum-Licensing authority, Rohtas at Sasaram.

It is stated in the order that petitioner has not been able to satisfy the licensing authority regarding any threat perception on him either by producing any documentary or any evidence and also that he is not in conflict with anybody. However, surprisingly, thereafter it has been observed that in the aforesaid background grant of licence of the petitioner would not be proper keeping in view the

public peace. It is intriguing as to how the Licensing Authority could have come to the conclusion that grant of licence would be detrimental to the public peace when it has been recorded by him that the petitioner is not in inimical terms with anybody or he is not in conflict with any person. That apart, it has already been held in **Manish Kumar Vrs. State of Bihar and other analogous cases [AIR 2016 Patna 9]** 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.

As a result, this writ application succeeds. The impugned order, as contained in Annexure 1, is quashed and set aside. The matter is remitted back to the District Magistrate-cum-Licensing Authority, Rohtas for taking a fresh decision on its own merit and in accordance with law, however, also keeping in view the observation made by this Court as aforesaid and the decision of this court rendered in **Manish Kumar (Supra)** within a period of four months from the date of receipt/production of a copy of this order.

Sanjay-II/-

(Dr. Ravi Ranjan, J)

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	14.09.2016
Transmission Date	NA