

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.16235 of 2016

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Kumesh Singh, Son of Ram Jiawan Singh, Resident of Village- Sirhira, Police Station- Chand, District- Kaimur, (Bhabhua).

.... Petitioner

Versus

1. The State of Bihar, through the Principal Secretary of Home Department, Govt. of Bihar, Patna.
2. The Commissioner, Patna Pramandal, Patna.
3. The District Magistrate, District- Kaimur (Bhabhua).
4. The Superintendent of Police, District Kaimur (Bhabhua).
5. The Sub- Divisional Officer, Bhabhua, District- Kaimur (Bhabhua).
6. The Sub- Divisional Police Officer, Bhabhua, District- Kaimur (Bhabhua).
7. The Station House Officer, Chand Police Station, District- Kaimur (Bhabhua).

.... Respondents

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Appearance :

For the Petitioner : Mr. Shyam Bihari Singh, Advocate
For the Respondents : M/s Prabhat Kumar Verma-AAG3 and
Divya Verma, AC to AAG 3

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 19-12-2016

Heard parties.

In view of the unexplained delay the appeal of the petitioner was dismissed, however, the petitioner has been able to show from the order passed by the licensing authority that the same is passed on the ground of lack of specific evidence regarding threat perception upon him which would be in teeth of the decision of this Court rendered in **Manish Kumar Vrs. State of Bihar and other analogous cases [AIR 2016 Patna 9]**.

However, since the petitioner's appeal was filed after two years and the petitioner though had taken a plea that he was busy



with the treatment of his father at Varanasi but did not open any document in support of his such submission this Court is unable to interfere in the matter.

Accordingly, this writ application is dismissed.

However, it is made clear that the appeal was dismissed on the ground of delay and laches, and not on merit and the second application by a person, even if the first is rejected, is not barred under law, therefore, if the petitioner files a fresh application for grant of licence, let the same be considered on its own merit and in accordance with law without being prejudiced by the earlier by the licensing authority or the appellate authority or the dismissal of this writ petition. The decision of this Court rendered in **Manish Kumar (supra)** should also be considered by the licensing authority while taking a decision. If such application is filed along with a copy of this order then it is expected that a decision would be taken by the licensing authority within a period of four months from the date of filing of such application along with a copy of this order.

(Dr. Ravi Ranjan, J)

Spd/-

AFR/NAFR	NAFR
CAV DATE	NA
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