

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.2690 of 2016

Alka Kumari, W/o Kriti Azad @ Chunchun Singh, Resident of Village - Khojagachhi, Presently Mukhiya Gram Panchayat Samas Khurd, P.S. - Barbigha, District - Sheikhpura.

.... Petitioner

Versus

1. The State of Bihar through Secretary Home and General Administration Govt. of Bihar, Old Secretariat, Patna.
2. The Commissioner, Munger Division, P.S. and District - Munger.
3. The District Magistrate Sheikhpura, P.S. and District - Sheikhpura.

.... Respondents

Appearance :

For the Petitioner/s : Mr. Dr. Anjani Pd. Singh, Advocate
For the Respondent/s : Mr. Dr. A.K. Upadhyaya, SC-20
Mr. Naresh Prasad, AC to SC-20

CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN
ORAL JUDGMENT

Date: 29-02-2016

The petitioner's application for grant of arms licence for N.P. Bore Pistol/Revolver was earlier rejected by the Licensing Authority on 11.12.2013. The petitioner preferred appeal and the Commissioner directed the Licensing Authority for fresh consideration of request of the petitioner. The same has again been rejected vide order dated 20.11.2015 as contained in Annexure-4 passed in Misc. Appeal No.53/2014 on the ground that the petitioner's husband and his brother is already having a licence for rifle and, thus, if again a licence is given in the name of the petitioner, it may be detrimental for the peace of the society.

In my view, such ground is not available for rejection

under Section 14 (3) of the Arms Act, 1959 (hereinafter referred to as 'the Act'). There cannot be any presumption that law abiding citizen, if given arms licence, would become aggressor. Under the Act licence is granted to a person and not the family. Otherwise also, even if a member of family possesses arms under valid licence that cannot be used by other members of the family as that would be illegal act. The Act provides under Section 3 (2) that a person can carry maximum up to three firearms.

In above view of the matter, in my considered opinion, the order impugned is not sustainable in law and, accordingly, the same is quashed and set aside. The matter is remitted back to the District Magistrate-cum-Licensing Authority, Sheikhpura for fresh consideration in accordance with law within a period of three months from the date of receipt/production of a copy of this order.

This writ application stands allowed.

(Dr. Ravi Ranjan, J)

V.K. Pandey/-

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