

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5363 of 2016

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Nand Kumar Singh, S/o Late Ram Sakal Singh, Resident of Village-
Mahathin Tola, P.O- Baligov, P.S. Ayar, District- Bhojpur.

.... Petitioner

Versus

1. The State of Bihar through Home Secretary, Govt. of Bihar.
2. District Magistrate, Bhojpur, at Arah.
3. Divisional Commissioner, Patna Division, Patna.
4. District Arms Magistrate, Bhojpur, at Arah.
5. Additional District Magistrate (Arms), Bhojpur at Arah.
6. Superintendent of Police, Bhojpur at Arah.

.... Respondents

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Appearance :

For the Petitioner	:	Manisha Pandey, Advocate
	:	Shweta Pandey, Advocate
	:	Mr. Deepak Kumar, Advocate
For the State	:	Mr. Narendra Kumar AC to SC-22

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN
ORAL ORDER

2 28-03-2016

Heard parties.

Petitioner seeks quashing of the order dated 30.12.2015 passed by the District Magistrate-cum-Licensing Authority, Bhojpur at Ara in Arms case no. 88/2015, by which, his application for grant of firearm licence has been rejected. Petitioner was already granted licence by the S.D.O. Sadar Patna bearing licence no. 13/89 for holding firearms. However, it appears that there was some amendment brought under Arms Act on 24.01.1989, according to which, the S.D.O. Patna did not have power to issue licence.



In above view of the matter, the licence of the petitioner and many other similarly situated persons became invalid. Such matter was contested in other cases also and finally the same has been set at rest by a decision of this Court passed in *CWJC no. 782 of 2009 (Md. Hamid Ansari v. State of Bihar and others* contained at Annexure-3 series, in which, this Court had directed the District Magistrate, Rohtas to take a decision upon the applications being made by the petitioners afresh on its own merit and in accordance with law ignoring the past controversies.

Now, an order has been passed in the present matter rejecting the application taking a ground that the petitioner has not been able to produce any specific evidence regarding threat perception.

In my view, such ground is not available for refusal, as the issue is no longer *res integra*, the same having been considered and decided in **Manish Kumar Vrs. State of Bihar) and other analogous cases [AIR 2016 Pat 9]** holding that lack of specific evidence regarding threat perception does not form a ground for refusal of licence under Section 14 of Arms Act, 1959. That apart, there cannot be a presumption that a firearm in the hand of a law abiding citizens would be detrimental to public peace and safety. Thus, unless the applicant is found involved in

criminal cases of serious nature or there is something on record raising fingers upon his character and conduct, the recourse of Section 14 (1b)(ii) cannot be taken for rejecting his request for grant of licence without assigning any reason as to how the licensing authority has come to such conclusion.

Accordingly, the order impugned 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 expeditiously, preferably, within a period of four months from the date of receipt/ production of a copy of this order.

(Dr. Ravi Ranjan, J.)

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