

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.22324 of 2014

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Dinesh Kumar, son of Sri Byasmuni Singh, resident of village - Dehri, Post office Barari, Police Station Dinara, District - Rohtas

.... Petitioner

Versus

1. The State of Bihar
2. The Commissioner, Patna Division, Patna
3. The District Magistrate, Rohtas at Sasaram
4. The District Arms Magistrate, Rohtas at Sasaram

.... Respondents

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Appearance :

For the Petitioner : Mr. Binod Bihari Singh, Advocate

For the State : Mr. Rakesh Kr. Ranjan, A.C. to G.A. 12

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 16-05-2016

Heard learned counsel for the petitioner and the State.

Petitioner seeks quashing of the order dated 24.11.2012

(Annexure 4) passed by the District Magistrate-cum-Licensing Authority, Rohtas at Sasaram by which his application for grant of firearm licence for N.P. Bore rifle has been rejected. He also assails the order dated 22.07.2014/13.08.2014 (Annexure 6) passed by the Divisional Commissioner, Patna in Arms Appeal No.340/2013 by which his appeal has been dismissed and the order of the Licensing Authority has been upheld.

From perusal of the impugned order passed by the Licensing Authority, it appears that one of the reasons was that the



petitioner was not able to produce any specific evidence regarding threat perception and has also stated that nobody has given him threat or he does not have any conflict with any person. The passage from the so-called policy of the Home Ministry, Government of India has been quoted in the impugned order (Annexure 4) stating that holding of sophisticated arms by the conflicting parties directly contributes towards lethality of violent acts. Therefore, in principle, proliferation of arms needs to be curbed.

However, it does not appear as to under what statutory provision the aforesaid policy has been brought forward by the Home Ministry as no reference of that policy by recording any letter number, circular number or whatsoever has been given. That apart, admittedly the aforesaid policy indicates towards firearms in the hands of conflicting parties whereas in the present case, it has been noticed by the Licensing Authority that the petitioner is not in conflict with anyone, therefore, the order impugned appears even to be contrary to the aforesaid policy.

Be that as it may, this Court in **Manish Kumar Vrs. State of Bihar and other analogous cases [AIR 2016 Patna 9]** has already held that lack of specific evidence regarding threat perception does not disentitle a person from grant of arms licence as the same is not a ground for refusal under Section 14 of the Arms Act, 1959.

Accordingly, this writ application succeeds. The impugned orders, as contained in Annexure 4 and 6, are quashed and set aside. The matter is remitted back to the District Magistrate-cum-Licensing Authority, Rohtas at Sasaram for taking a fresh decision in accordance with law within a period of four months from the date of receipt/production of a copy of this order. While doing so, he would be obliged to consider the decision of this Court rendered in **Manish Kumar (Supra)**.

(Dr. Ravi Ranjan, J)

Sanjay-II/-

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