

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.6859 of 2016

Rohini Ranjana, W/o Sri Punit Jain, Resident of Mohalla- Kadam Kuan, Om Vihar Apartment, Flat No.302, P.S. Kadam Kuan, Town and District- Patna.

.... Petitioner

Versus

1. The State of Bihar through Home Secretary, Govt. of Bihar.
2. District Magistrate, Patna.
3. Divisional Commissioner, Patna Division, Patna.
4. Senior Superintendent of Police, Patna.
5. Additional District Magistrate (Arms), Patna.
6. District Arms Magistrate, Patna.
7. S.H.O. Kadam Kuan Police Station, Patna.

.... Respondents

Appearance :

For the Petitioner : M/s. Manisha Pandey,
Shweta Pandey, Advocates
For the State : Mr. Amit Kumar Anand, A.C. to G.P. 15

CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 25-04-2016

Heard parties.

This is the second time the petitioner has approached this Court by filing a writ petition. The first being C.W.J.C. No.18602 of 2015 which was filed as, even though the petitioner's father was murdered for which Gandhi Maidan Police Station



Case No.34 of 2004 was registered under Section 302 of the Indian Penal Code and she had applied for grant of firearm licence in the year 2014, no decision was being taken. Now by the impugned order dated 11.02.2016 her application has been rejected chiefly on the ground that considering the threat perception, her husband has already been granted firearm licence. However, it is contended on behalf of the petitioner that she is running a shop and she has threat upon her life in view of the murder of her father which is independent of the threat perception upon her husband.

In my considered view, the refusal on such ground is absolutely not sustainable in the eye of law. There is no provision at all in the statute that, if a family member or even the husband has been granted licence then the other family member including the spouse cannot be granted firearm licence. If a shop is being run independently by the petitioner, her husband would not be available all along for her protection. The refusal on such ground cannot be held to be based upon any legal principle and, as such, the impugned order, as contained in Annexure 5, is quashed and aside. The matter is remitted back to the Licensing Authority to take a fresh decision 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)

Sanjay-II/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	27.04.2016
Transmission Date	NA