

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.8675 of 2016

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Ram Vishal Pandey, Son of Late Ram Nath Pandey, Residne tof Village- Dahigava,
P.S.- Dumraon, District- Buxar.

.... Petitioner

Versus

1. The State of Bihar, through the Principal Secretary, Department Home, Govt. of Bihar, Old Secretariat, Patna.
2. The Divisional Commissioner, Patna Commissionary, near Gandhi Maidan, Patna.
3. The District Magistrate-Cum-Licensing Authority, Buxar.
4. The Superintendent of Police, District- Buxar, at Buxar.
5. The Sub-Divisional Magistrate- Dumraon, Sub-Division at Dumraon.
6. The Deputy S.P., Dumraon at Dumraon.

.... Respondents

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Appearance :

For the Petitioner : Mr. Uma Shankar Tiwary, Advocate
For the State : Mr. Balram Kapri, A.C. to G.P. 14

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 20-06-2016

Heard learned counsel for the petitioner and the State.

Petitioner's application for grant of licence has been rejected by the District Magistrate-cum-Licensing Authority, Buxar vide Annexure 7 on 24.02.2016.

Petitioner's father was holding a gun on valid licence, however, after his death his gun was deposited in the Buxar Gun House. The petitioner had applied for grant of arms licence so that he could possess the aforesaid firearm. However, his request has been rejected on the ground of lack of any evidence regarding threat perception.

The issue is no longer *res integra* as the same has been considered and decided in **Manish Kumar Vrs. State of Bihar and other analogous cases [AIR 2016 Patna 9]** holding that lack of specific evidence regarding threat perception does not form a ground for refusal of licence under Section 14 of the Arms Act, 1959. That apart, the Licensing Authority has further erred in not considering the Family Heirloom Policy of the Central Government while deciding the case.

Accordingly, this writ application stands allowed. The order impugned as contained in Annexure 7 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 within a period of three months from the date of receipt/production of a copy of this order. While doing so, he would be obliged to consider the ratio of the decision of this Court rendered in **Manish Kumar (Supra)** as well as the Family Heirloom Policy.

(Dr. Ravi Ranjan, J)

Sanjay-II/-

AFR/NAFR	NAFR
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