

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9623 of 2014

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Bhushan Kumar

.... Petitioner

Versus

The State of Bihar & Ors

.... Respondent/s

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Appearance :

For the Petitioner : Mr. Shiva Shankar Prasad Singh, Advocate

: Mr. Pushpendra Priyadarshi, Advocate

For the State : Mr. Swapan Kr. Singh, AC to GP 1

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN
ORAL ORDER

2 18-01-2016

Heard learned counsel for the petitioner and the
State.

Petitioner seeks quashing of Annexure 8, the
decision dated 19.01.2014 passed by the District Magistrate-cum-
Licensing Authority, Patna by which his application for grant of
arms licence has been rejected on the ground that there is no
specific evidence regarding threat perception upon the petitioner.

Petitioner's application was rejected on earlier
occasion also by the Licensing Authority which was challenged by
filing appeal. The appellate authority had remitted back the matter
to the District Magistrate, Patna for taking fresh decision.
Thereafter, the impugned order has been passed.

In my view, the issue is no longer *res integra* as
this court has already held that lack of specific evidence regarding
threat perception does not form a ground for refusal of licence. A

reference is made in this regard to a decision of this Court in ***Manish Kumar v. State of Bihar and other analogous cases [AIR 2016 Pat 9]***.

Accordingly, this writ application stands allowed in terms thereof. The impugned order is quashed and set aside. The matter is remitted back to the Licensing Authority for taking 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. While doing that, the Licensing Authority may seek fresh report from the police authority if he is not satisfied by his earlier report.

(Dr. Ravi Ranjan, J.)

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