

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.18774 of 2015

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Gyan Chand Ram, S/o Late Ram Pati Ram, R/o Village- Larui (Bishunpura), O.P.-
Barhari, P.S.- Kargahar, District- Rohtas.

.... Petitioner

Versus

1. The State of Bihar
2. The District Magistrate, Rohtas.
3. The Superintendent of Police, Sasaram, Rohtas.
4. Sub-Divisional Officer, Sasaram, Rohtas.
5. Officer-in-charge, Kargahar Police Station, Rohtas.

.... Respondents

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Appearance :

For the Petitioner : Mr. Vishal Saurabh, Advocate

For the State : AC to SC11

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 04-01-2016

Heard learned counsel for the petitioner and the State.

It is contended that the petitioner's father was holding N.P. bore rifle under a valid licence. After the death of his father the firearm was deposited with the Arms Dealer and the petitioner applied for grant of arm licence so that he could procure the firearm held by his father, however, no final decision has been taken by the licensing authority, i.e., the District Magistrate, Rohtas at Sasaram.

Having regard to the facts and circumstances of the case, this writ application is being disposed of with a direction to the District Magistrate-cum-Licensing Authority, Rohtas at Sasaram to take a final decision in the matter on its own merit and in accordance

with law within a period of eight weeks from the date of receipt/production of a copy of this order.

In the meantime, the Officer-in-charge, Kargahar Police Station as well as the Superintendent of Police, Rohtas at Sasaram would also be obliged to send their recommendation/report with respect to the petitioner's case, as it is claimed by the petitioner that the District Magistrate has already asked them to submit their recommendation, so that a final decision would be taken by the licensing authority within the time granted by this Court. However, in case such recommendation has already been sent to the licensing authority there would be requirement of sending fresh report unless the licensing authority requires a fresh report. While disposing of the matter the licensing authority would be obliged to consider the "Family Hierloom Policy" as well as the decision rendered in **Manish Kumar v. The State of Bihar and others and other analogous cases(2015(4) Patna Law Journal Reports 212)**.

(Dr. Ravi Ranjan, J)

SC/-

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