

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.17531 of 2014

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Sweetty Kumari @ Rekha, wife of Sri Shailendra Kumar, resident of Mohalla-
Munna Chak, P.S.- Patrakar Nagar (Kankarbagh), Town & District- Patna

.... Petitioner

Versus

1. The State of Bihar, through, Home Commissioner, Government of Bihar, Old
Secretariate, Patna
2. The District Magistrate, Patna

.... Respondents

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Appearance :

For the Petitioner : Mr. Kumar Binode Bariar, Advocate
For the State : Mr. Ajit Pratap Singh, SC 15
: Mr. Satyapal Singh, AC to SC 15

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 18-04-2016

Heard parties.

As prayed, learned counsel for the petitioner is
permitted to implead the Superintendent of Police, Patna as
party-respondent no. 3.

Petitioner's application for grant of arms licence
of N.P. Bore revolver/ pistol has been rejected on the ground that
there is no recommendation by the police regarding any specific
threat perception upon the petitioner and also that the
Superintendent of Police has not recommended and merely
forwarded the report of the officer-in-charge of the concerned
P.S.



In my view, the grounds taken for refusal are not tenable. It has already been held in ***Manish Kumar v. State of Bihar and other analogous cases (A.I.R. 2016 Patna 9)*** that lack of specific evidence regarding threat perception is not a ground for refusal of licence. It is not stated in police report that on what basis the police has come to a conclusion that there is no specific threat perception upon the petitioner. It appears that report has been made in a very casual manner without proper verification and nothing has been stated in this regard in counter affidavit.

In above view of the matter, the order impugned is quashed and set aside and the matter is remitted back to the licensing authority for seeking a fresh report from the concerned police station who shall submit the report after proper verification of the matter and not in a casual manner only by filling up the column on its own will. It is made clear that if a person is not in the hit list of the fundamental extremist organization or of any criminal group that does not mean that there is no threat perception upon him at all. A person does not have to suffer any overt act for entitling him for grant of licence.

It is expected that a fresh decision would be taken by the licensing authority on its own merit and in accordance with law within a period of four months. The superintendent of Police, Patna would also be required to examine the matter before forwarding it to the licensing authority as to whether the officer-in-charge has properly made the verification and come to a just conclusion or not.

(Dr. Ravi Ranjan, J.)

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