

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.20025 of 2014

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Uddeshya Prasad, S/o Late Ram Subhak Singh, R/o 202, Singheshwar Palace,
Rajendra Nagar, Road No.2 B, P.S. Kadamkuan, District-Patna.

.... Petitioner

Versus

1. The State of Bihar.
2. The Senior Superintendent of Police, Patna.

.... Respondents

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Appearance :

For the Petitioner : Mr. Krishna Mohan Prasad, Advocate
For the State : Mr. Rajiv Roy, GP 5
Arun Kumar, AC to GP 5

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 18-05-2016

I.A. No. 4408/2016

This interlocutory application has been filed for amendment in the writ application as the petitioner wants to challenge the order dated 15.12.2015 passed by the District Magistrate – cum – licensing authority , Patna rejecting his application for grant of firearms licence. Admittedly this order has been passed during the pendency of this writ application.

Accordingly, this interlocutory application is allowed to assail the order passed by the licensing authority contained in Annexure I to this interlocutory application.

C.W.,J.C. No.20025 of 2014

Ordinarily after allowing the interlocutory application,

this Court would have granted time for filing counter affidavit to the State, however, in view of nature of order which is to be passed in this case, the same is being considered on its merit without granting further adjournment for filing supplementary counter affidavit.

From perusal of the impugned order it is apparent that the rejection is on the ground of lack of production of specific evidence regarding threat perception following the direction contained in letter dated 31st March, 2010 issued by the Home Ministry, Government of India.

The issue is no longer *res integra* inasmuch as the same stands considered and decided by this Court in **Manish Kumar Vrs. State of Bihar and other analogous cases [AIR 2016 Patna 9]** holding that threat perception does not mean that the applicant should face actual threat or overt act as mere apprehension of that would be enough. It has further been held that lack of any evidence regarding specific threat perception is not a ground for refusal under Section 14 of the Arms Act, 1959. So far the letter of the Secretary, Deptt. of Home is concerned that merely states that the persons who face immediate threat on their lives may be granted such arms licence.

Accordingly, this writ application succeeds and the impugned order is quashed and set aside.

Matter is remitted back to the District Magistrate – cum
– Licensing Authority, Patna for fresh consideration of the matter in
accordance with law within a period of four months.

(Dr. Ravi Ranjan, J)

Spd/-

AFR/NAFR	NAFR
CAV DATE	NA
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