

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1866 of 2016

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Chandrashekhar Ojha, Son of Late Tej Narayan Ojha, resident of Village Marhiya, Police Station- Chapra Muffasil, District- Saran at Chapra.

.... Petitioner

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Divisional Commissioner, Saran at Chapra.
3. The District Magistrate, Saran at Chapra.
4. The Superintendent of Police, Saran at Chapra.
5. Sub-Divisional Officer, Sadar, Chapra.
6. The Arms Magistrate, Saran at Chapra.
7. Officer in Charge, Chhapra Muffasil Police Station.

.... Respondent/s

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Appearance :

For the Petitioner : Mr. Choudhary Shyam Nandan, Advocate

For the Respondent/s : Mr. Rakesh Ambastha, A.C. to A.A.G.-15

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN
ORAL ORDER

2 01-02-2016 Heard learned counsel for the petitioner and the State.

The petitioner is aggrieved by the order dated 29.09.2015 passed by the Commissioner, Saran, Chapra in Arms Appeal no. 106/2009, as contained in Annexure-4, by which the appeal has been dismissed and the order of the Licensing Authority has been upheld. He also challenges the order dated 02.09.2009 (Annexure 3).

The petitioner is permitted to make necessary correction in the typed copy of Annexure 3.

It is contended on behalf of the petitioner that rejection is on the sole ground that no specific evidence with

respect to any threat perception upon the petitioner could be produced before the Licensing Authority.

The issue is no longer *res integra* in as much as the same stands decided in *Manish Kumar AIR 2016 Pat 9* that non-production of specific evidence regarding threat perception is not a ground under Section 14 for refusal of arms licence. Threat perception does not mean that there should be any actual threat or overt act upon the person. Mere apprehension of the same would be enough.

Accordingly, this writ application is allowed. The impugned order is quashed and set aside. The matter is remitted back to the Licensing Authority for its fresh decision in accordance with law within a period of three months from the date of receipt/ production of a copy of this order.

(Dr. Ravi Ranjan, J.)

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