

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.20265 of 2014

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Arun Kumar s/o Sri Rudal Singh Resident of Vill- Baurahi, P.S.- Dhanarua, Dist- Patna

.... Petitioner

Versus

1. The State of Bihar through the Commissioner, Patna Division, Patna
2. The District Magistrate cum Collector, Patna
3. The Rular Superintendent of Police, Patna
4. The Dy. S.P.
5. The Officer in Charge, Dhanarua Police Station, Dist- Patna

.... Respondents

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Appearance :

For the Petitioner : M/s Rajani Ranjan Pd. Singh and
Ajay Kumar Singh, Advocates

For the State : Mr. Prabhat Kumar, AC to GP 8

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 16-05-2016

Heard learned counsel for the petitioner and the State.

Petitioner is aggrieved by the order dated 2.8.2013 passed by the District Magistrate-cum-Licensing Authority, Patna, as contained in Annexure 2 by which his application for grant of N.P. Bore firearms licence has been rejected. The petitioner also assails the appellate order passed by the Divisional Commissioner, Patna dated 22.7.2014 as contained in Annexure 3 by which he has dismissed the appeal on the ground that no evidence has been found regarding threat perception upon the petitioner.

In my view the order impugned passed by the licensing authority is not sustainable in eye of law. By now it is well settled

that evidence regarding threat perception does not mean that the applicant should face actual threat or overt act as mere apprehension of that would be enough. Reference in this regard is made to a decision of this Court in **Manish Kumar v. The State of Bihar(AIR 2016 Patna 9)** holding that failure of production of evidence by the applicant regarding specific threat perception does not form a ground for refusal of firearms licence under section 14 of the Arms Act, 1959.

As a result, this writ application succeeds. Both the orders impugned as contained in Annexure 2 and 3 are quashed and set aside.

The matter is remitted back to the District Magistrate-cum-Licensing Authority, Patna for fresh consideration in accordance with law. While doing so, the licensing authority would be obliged to consider the ratio laid down in **Manish Kumar(supra)**.

It is expected that the whole exercise would be completed within a period of four months from the date of receipt/production of a copy of this order.

(Dr. Ravi Ranjan, J)

Spd/-

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