IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.7497 of 2016

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Vishwakshen Sharma

.... Petitioner/s

Versus

The State of Bihar & Ors

.... Respondent/s

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Appearance :
For the Petitioner/s : Mr. Shiva Shankar Prasad Singh
For the Respondent/s : Mr. ANSHUMAN SINGH- GP24

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN
ORAL JUDGMENT
Date: 02-05-2016

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Heard parties.

Petitioner seeks quashing of Annexure-5 dated 12.06.2014 passed by the District Magistrate, Patna by which the application for grant of firearm licence has been rejected.

Learned counsel for the state submits that the petitioner had approached this Court without availing the statutory remedy of appeal.

From the order impugned, it appears that the refusal of license is on the ground that there is no specific evidence regarding threat perception on the petitioner. The petitioner has appended the recommendation of the officer-in-charge as Annexure-1. The officer-in-charge has clearly stated that the petitioner's daughter has been murdered and for that Danapur G.R.P. P. S. Case No. 30 of 2010 was lodged and, thus, the petitioner may be granted license for his self

protection.

The threat perception does not mean that one would have to face overt act to qualify for getting a firearm licnece. Merely apprehension of threat is enough. In the present case the petitioner's daughter has been killed and ignoring that the order impugned has been passed. This court in **Manish Kumar V. The State of Bihar & others reported in AIR 2016 Patna 9** has held that lack of specific evidence regarding threat perception does not form a ground for refusal of licence. The issue no longer being *res intigra* having already considered by this Court, it would be meaningless to relegate the petitioner to the appellate authority.

Accordingly, this writ petition succeeds. The impugned order is quashed and set aside. The matter is remitted back to the licensing authority for fresh consideration in accordance with law preferably within a period of four months from the date of receipt/production of a copy of this order.

(Dr. Ravi Ranjan, J.)

Amit/-

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