

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6062 of 2016

=====

Brahmeshwar Ojha, son of Late Kabilash Ojha, resident of village-Maniyara, P.S.-Tiyar, District-Bhojpur, at present resident of Mohalla-Yarpur Rajputana Shivajee Path, P.S.- Gardanibagh, District-Patna.

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Home Affairs Department, Government of Bihar, Patna.
2. The District Magistrate, Bhojpur at Ara.
3. The Superintendent of Police, Bhojpur at Ara.
4. The District Arms Magistrate, Bhojpur at Ara.
5. The Officer-in-charge, Tiyar Police Station, District-Bhojpur at Ara.

.... Respondents

=====

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar, Advocate

For the Respondent/s : Mr. Ajay Bihari Sinha, SC-19
Mr. Neeraj Raj, AC to SC-19

=====

CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN
ORAL JUDGMENT

Date: 11-04-2016

Heard parties.

The petitioner seeks release of his gun under Licence No.1468 of 1982 which was deposited by him in Tiyar Police Station after the order passed by a Single Judge Bench of this Court, a copy of which has been appended as Annexure-2.

It is contended that the petitioner was granted licence for the gun by the Licensing Authority, Ara, however, he has retired as teacher and he used to reside in Patna. He was getting his licence renewed at Patna. In the meantime, a notice was published in the daily newspaper during Bihar Assembly Election and Gram Panchayat

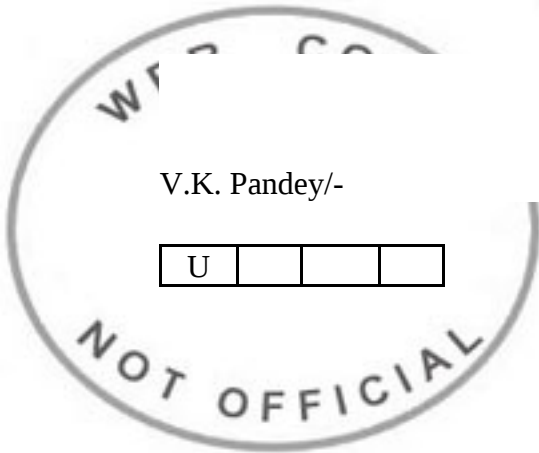


Election for depositing the gun before the Officer-in-charge of Tiyar Police Station for verification but the petitioner failed to deposit the same then Tiyar P.S. Case No.13 of 2011 was registered against him under Sections 25 (1) (c) (3) (4) (5)/30 of the Arms Act. The petitioner filed Cr. Misc. No.31562/2011 for grant of anticipatory bail in which he was directed to deposit the firearm which was deposited by him in the Tiyar Police Station. Thereafter, the petitioner had represented the matter several times before the District Magistrate, Bhojpur at Ara vide Annexure-3 series but neither his licence has been renewed nor his gun was released.

Having regard to the aforementioned facts and circumstances of the case, this writ application is being disposed of with a direction to the District Magistrate, Bhojpur at Ara to take a final decision in the matter of the petitioner regarding release of his gun. The petitioner would also be at liberty to make application for renewal of his licence also, if the same has not been done as yet and a decision upon which should also be taken by the licensing authority. While doing so, the licensing authority would be obliged to consider the claim of the petitioner that his licence was renewed till 2011 by the Licensing Authority, Patna

It is expected that the aforesaid exercise would be completed within a period of two months from the date of

receipt/production of a copy of this order.



(Dr. Ravi Ranjan, J)