

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.8295 of 2016

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Bindeshwari Rai, Son of Late Ram Nagina Rai, Resident of Village- Shikarpur,
Police Station- Bheldi, District- Saran, Bihar

.... Petitioner

Versus

1. The State of Bihar through Chief Secretary, Govt. of Bihar
2. The Commissioner, Saran Division, Saran
3. The District Magistrate, Saran
4. The Superintendent of Police, Saran
5. The Officer in-charge of Bheldi Police Station, Saran

.... Respondents

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Appearance :

For the Petitioner : Mr. Satya Prakash,
Mr. Parijat Saurav, Advocates

For the State : Mr. Amresh, A.C. to S.C. 11

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 20-06-2016

Heard learned counsel for the petitioner and the State.

Petitioner seeks quashing of the order dated 09.01.2014 (Annexure 3) passed by the District Magistrate-cum-Licensing Authority, Saran at Chapra by which his application for grant of firearm licence has been rejected. He also assails the order dated 02.04.2016 (Annexure 4) passed by the Commissioner, Saran Division, Chapra by which he has dismissed the appeal preferred by the petitioner against the order of the Collector dated 09.01.2014 and has upheld the order of the District Magistrate.

From the perusal of the impugned order, it appears that the police has recommended for grant of licence in view of the fact

that the area in which the petitioner is residing is affected by the extremist activities. However, refusal is on the ground that there is no overt act against the petitioner.

The issue is no longer *res intergra* as it has been considered and decided in **Manish Kumar Vrs. State of Bihar and other analogous cases [AIR 2016 Patna 9]** that lack of production of specific evidence regarding any threat perception does not form a ground for rejection of application for grant of arms licence under Section 14 of the Arms Act, 1959 as one does not have to suffer overt act for coming within the yardstick of threat perception. Mere apprehension would be enough.

Accordingly, this writ application stands allowed. The orders impugned as contained in Annexure 3 and 4 are quashed and set aside. The matter is remitted back to the Licensing Authority for taking a fresh decision on its own merit and 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)

Sanjay-II/-

AFR/NAFR	NAFR
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