

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.25012 of 2013

Dhannu Lal Sonkar @ Dhanu S/O Late Saryu Sonkar Resident Of Mohalla -
Alanganj, P.S. - Sasaram (Town), District - Rohtas At Sasaram

.... Petitioner

Versus

1. The State Of Bihar
2. The District Magistrate, Rohtas At Sasaram
3. The Superintendent Of Police, Rohtas At Sasaram
4. The Sub-Divisional Police Officer, Sasaram
5. The Inspector Of Police-Cum-Officer Incharge Of Sasaram (Town) Police
Station, District - Rohtas At Sasaram

.... Respondents

Appearance :

For the Petitioner : M/s Bhanu Pratap Singh and
Bhaskar Shankar, Advocates

For the Respondent/s : Mr. Sushant Praveer, AC to SC 27

CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 20-06-2016

Heard learned counsel for the petitioner and the State.

Petitioner is aggrieved by the order dated 10.09.2012 passed
by the District Magistrate-cum-Licensing Authority, Rohtas at
Sasaram, by which his application for grant of firearm licence has
been refused on the ground of lack of production of any specific
evidence regarding threat perception upon him.

The issue is no longer *res integra* as the same stands
decided in **Manish Kumar v. State of Bihar and others and other
analogous cases(2015(4) Patna Law Journal Reports 212)** holding
that lack of production of any specific evidence regarding threat
perception does not form any ground for refusal of licence under
section 14 of the Arms Act, 1959. The observation made in the order

impugned that the petitioner is not in conflict with any person would make the position worse for the State Respondents as it cannot be presumed that a gun in the hand of a law abiding citizen would be detrimental to the public peace and tranquility. So far so-called passage from the guidelines of the Ministry of Home, Central Government, is concerned, that only discloses that there would be consideration for grant of arms licences to the persons who perceive grave and imminent threat to their lives but that does not mean that the same would oust others. That issue has also been discussed and considered in **Manish Kumar(supra)**.

Accordingly, this writ application succeeds, the impugned order contained in Annexure 5 is quashed and set aside and the matter is remitted to the District Magistrate-cum-Licensing Authority, Rohtas at Sasaram for taking a fresh decision upon the application of the petitioner for grant of firearm licence on its own merit and in accordance with law and also considering the decision decided in **Manish Kumar(supra)** within a period of three months from the date of receipt/production of a copy of this order.

(Dr. Ravi Ranjan, J)

SC/-

AFR/NAFR	NAFR
CAV DATE	NA
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