

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.16931 of 2016

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Jai Nandan Singh, S/o Late Mukh Lal Singh, R/o village - Baligawan, P.O. Jabra,
P.S. Nokha (Dharampura), District Rohtas

.... Petitioner

Versus

1. The State of Bihar
2. The District Magistrate, Rohtas
3. The Superintendent of Police, Sasaram, Rohtas
4. Sub - Divisional Officer, Sasaram, Rohtas
5. Officer - in - Charge, Kochas Thana, Kochas, Rohtas

.... Respondents

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Appearance :

For the Petitioner	:	Mr. Vishal Saurabh, Advocate
For the State	:	Mr. P. K. Verma- AAG3, Mr. S. K. Sharma, A.C. to A.A.G. 3

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 09-01-2017

Heard parties.

Petitioner seeks quashing of Annexure 1 which is an order dated 19.09.2011 passed by the District Magistrate-cum-Licensing Authority, Rohtas by which his application for grant of firearm licence has been rejected on the ground that petitioner has not been able to produce evidence regarding specific threat perception.

It is also contended that petitioner's



application was under Family Heirloom Policy and though the letter of the Home Ministry, which has been referred by the Licensing Authority, also provides for grant of licence under Family Heirloom Policy but such aspect of the matter has not been considered.

The order impugned is in teeth of the decision of this Court rendered in **Manish Kumar Vrs. State of Bihar and other analogous cases [AIR 2016 Patna 9]** holding that threat perception does not mean that a person, to qualify himself/herself for grant of firearm licence, has to suffer actual overt act rather apprehension of the same would be enough. That apart, it has further been held that lack of production of evidence regarding specific threat perception does not form a ground for refusal of licence under Section 14 of the Arms Act, 1959.

Accordingly, this writ application succeeds on both counts. The impugned order, as contained in Annexure 1, is 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 expeditiously preferably within a period of four months from the date of receipt/production of a copy of this order. While doing so, he would also consider the



Family Heirloom Policy of the Central Government which stands inducted in Rule 25 of the Arms Rule, 2016.

(Dr. Ravi Ranjan, J)

Sanjay-II/-

AFR/NAFR	NAFR
CAV DATE	NA
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