

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.484 of 2016
Arising out of
Civil Writ Jurisdiction Case No. 4631 of 2014**

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Achayabat Prasad @ Achaibar Prasad, Son of Late Kishun Prasad, Resident of Village + P.O. Sarenja, P.S. Rajpur, District Buxar, at present residing at Charitraban, Buxar, Ward No. 9 (New Ward No. 1), P.O. Buxar, P.S. Buxar Town, District Buxar.

.... Appellant/s

Versus

1. The State of Bihar through the Divisional Commissioner, Patna Division, Patna.
2. The Divisional Commissioner, Patna Division, Patna.
3. The District Magistrate, Buxar.
4. The Superintendent of Police, Buxar.
5. The Station House Officer, Buxar Town Police Station, District Buxar.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Bibhakar Tiwary, Advocate
For the Respondent/s : Mr. Anant Pd. Singh, SC-15
Mr. Sanjay Kumar, AC to SC-15

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**CORAM: HONOURABLE THE ACTING CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL JUDGMENT**

(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

Date: 21-02-2017

The present Letters Patent Appeal is directed against an order passed by the learned Single Bench on 11th of January, 2016 whereby, the cancellation of arms licence was not interfered with but liberty was given to move afresh after conclusion of the criminal trial pending against him under Section 307 of the Indian Penal Code and 27 of the Indian Arms Act, 1956.

2. The appellant is said to have fired from his licensed weapon hitting the informant on his leg. The appellant is facing trial



for the offence under Section 307 of the Indian Penal Code and 27 of the Indian Arms Act,1956. The argument of the appellant is that the appellant fired from his licensed double barrel gun in self-defence. Whether the appellant fired from his gun in self-defence is still to be examined by the criminal Court. It is only after the conclusion of the criminal trial; the appellant may have a right to seek arms licence in accordance with law.

3. We do not find any error in the order of the learned Single Bench which may warrant interference in the present contempt petition. The same is dismissed.

(Hemant Gupta, ACJ)

(Sudhir Singh, J)

K.C.jha/-

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