

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.4527 of 2017**

=====

Kushnath Singh, S/o Shri Harinandan Singh, resident of village - Kewatia,  
P.S. Krishnagarh, District - Bhojpur

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Bihar, Patna
2. The District Magistrate, Bhojpur, Ara
3. The Superintendent of Police, Bhojpur, Ara

... .. Respondent/s

=====

**Appearance :**

For the Petitioner/s : Mr. Gopal Krishna, Adv.  
For the Respondent/s : Mr. MD. NADEEM SERAJ- GP5

=====

**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH**  
**ORAL ORDER**

3      24-11-2017              Heard learned Counsels appearing on behalf of the  
petitioner and the respondent-State.

Learned Counsel appearing on behalf of the petitioner is  
permitted to make necessary correction in the Writ application.

The present Writ application has been filed for a direction  
to the respondent no.2, the District Magistrate, Bhojpur, Ara to  
dispose of Arms Case No. 431 of 2010.

It is submitted by learned Counsel for the petitioner that  
the petitioner was granted Arms licence for a DBBL Gun being  
Arms License No. 311 of 1984 and since then it was renewed  
from time to time and the petitioner never misused the Arms.  
During the Bihar Assembly Election held in the year 2010, the  
District Magistrate, directed all the licence holder of the district  
to submit their guns for verification, but the petitioner could not



submit the gun due to his illness resulting into lodging of Krishnagarh P.S. Case No.86 of 2011, registered under Section 188 of the I.P.C. and Section 30 of the Arms Act against the petitioner and 33 others. The petitioner was granted bail in such matter on 26.07.2011 by the learned Court below, but since the gun was not presented for verification, his Arms licence was suspended. The petitioner consequently submitted a representation on 15.01.2011 before the District Magistrate, Bhojpur for vacating the suspension of the Arms licence, as the petitioner could not present his Arms for verification since he was suffering from serious ailment. The application of the petitioner has been brought on record as Annexure-1. Thereafter, on 14.02.2013, the petitioner submitted an application before the District Magistrate, Bhojpur with a prayer for renewal of the Arms licence, as contained in Annexure-2. However, on the application of the petitioner Arms Case No. 431 of 2010 was registered, but till date the same has not been disposed of. However, the Public Information Officer-cum-I/C Officer, District Legal Cell, Bhojpur at Ara has informed that Arms Case No. 431 of 2010, is pending before the District Magistrate, Bhojpur at Ara. Hence, the present Writ application.

Though a counter affidavit has been filed on behalf of the



respondent no.3, the Superintendent of Police, Bhojpur at Ara, but it does not speak about pendency of Arms Case No.431 of 2010.

There is nothing on record to suggest that Arms licence of the petitioner has been cancelled.

Learned GP-5 submits that if Arms Case No.431 of 2010 has not been disposed of, the same would be disposed of within a time frame by the District Magistrate, Bhojpur at Ara.

Considering the rival submissions of the parties and the fact that the Arms licence of the petitioner is suspended since 2010, it is high time that the District Magistrate should dispose of Arms Case No.431 of 2010 within a period of two months from the date of receipt/production of a copy of this order, after giving due opportunity of hearing to all the affected persons, in accordance with law.

The Writ application is, accordingly, disposed of.

**(Dinesh Kumar Singh, J)**

Ashwini/-

|   |  |  |  |
|---|--|--|--|
| U |  |  |  |
|---|--|--|--|

