

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.2552 of 2017

Arising Out of PS.Case No. -null Year- null Thana -null District- BHOJPUR

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Dilip Kumar Singh S/o Late Babu Ram Ayodhya Singh, resident of Village-
Bhaluhipur, P.S.- Ara Town, District- Bhojpur, Ara.

.... Petitioner/s

Versus

1. The State of Bihar through Principal Secretary Home Old Secretariat, Bihar, Patna.
2. Commissioner, Dehri- On-Sone, Sasaram.
3. Collector, Ara at Buxar.
4. Superintendent of Police, Dehri-On-Sone, Sasaram.
5. The Station House Office, Bihar, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr.

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL JUDGMENT

Date: 07-05-2018

It appears that during pendency of the application pursuant to the adjournments awaiting disposal of the application for arms license by the petitioner, the District Magistrate, Bhojpur, Ara has passed an order on 20.04.2018 whereby the application of the petitioner has been rejected.

2. Learned counsel for the petitioner submits that the application of the petitioner has been rejected by the District Magistrate, Bhojpur, Ara without application of judicious mind inasmuch as he could not appreciate that Town P.S. Case No.51 of



2017 dated 12.02.2017 has been lodged by the accused Jamal Akhtar, who has been involved in murder of the uncle of this petitioner. It is submitted that the consideration given by the District Magistrate, Bhojpur, Ara for purpose of rejection of his application is totally irrelevant and his application could not have been refused only by taking note of the said case.

3. On the other hand, learned counsel representing the State submits that the petitioner has remedy of statutory appeal before the Commissioner and he can take all such pleas which are available to him before the Appellate Authority.

4. In view of the developments which have been taken place during pendency of the application, this application has become infructuous, however, the petitioner is granted liberty to file an appeal before the Appellate Authority within a period of 30 days from today and if such application is filed, the same shall be considered by the Commissioner keeping in mind that the petitioner was prosecuting his remedy before this Court under bona fide belief. His application shall be considered and disposed of on merit within a period of 60 days from the date of filing of the appeal and the submission of the learned counsel representing the petitioner as has been taken note of hereinabove shall definitely be considered by the Appellate Authority



while passing a reasoned order.

5. The application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

N.H./-

AFR/NAFR	NAFR
CAV DATE	N/A
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