

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5409 of 2017

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Devbrat Singh Son of Late Baliram Singh Resident of Village : Kant, P.S.
Brahmpur, District : Buxar.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The District Magistrate, Buxar.
3. The Superintendent of Police, Buxar.
4. The Officer-in-Charge, Brahmpur Police Station, District - Buxar.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Satyapal Singh, Advocate
For the Respondent/s : Mr. Partha Sarthi, GA-4

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

02/ 20-08-2018

Heard Mr. Satyapal Singh, learned counsel for

the petitioner and Mr. Partha Sarthi, learned GA-4.

The present writ application has basically been filed with a prayer for directing the respondent authorities, particularly, Respondent No. 2, District Magistrate, Buxar to take a final decision on the application of the petitioner submitted in 2014 for grant of licence for rifle.

It is submitted by learned counsel for the petitioner that the uncle of the petitioner namely, Sunil Kumar Singh was abducted and killed at the hands of one Daya Shankar Singh leading to registration of Brahmpur P.S. Case No. 115 of 2010, the cousin brother of the petitioner was caused firearm



injury at the hands of one Daya Shankar Singh and others leading to registration of Brahmpur P.S. Case No. 112 of 2011 and the father of the petitioner was also murdered at the hands of Daya Shankar Singh leading to registration of Brahmpur P.S. Case No. 66 of 2014 with accusation under Sections 147, 148, 149, 324, 307, 302 of the Indian Penal Code and Section 27 of the Arms Act. Subsequently, Daya Shankar Singh, who was accused in the murder of the father and uncle of the petitioner escaped from the Buxar Central Jail on 31.12.2016 leading to registration of Buxar (Town) P.S. Case No. 578 of 2016. In the above background the petitioner apprehended threat to his life and property and that of the family members and as such he submitted application for grant of licence for rifle, as contained in Annexure-4, before Respondent No. 2, the District Magistrate, Buxar. The petitioner learnt that the Superintendent of Police, Buxar in its report recommended for the grant of licence to the petitioner but in spite of that no decision has been taken on the application of the petitioner, though, it has been numbered as Arms Case No. 10 of 2014. Hence, the present writ application.

Mr. Parth Sarthi, learned GA-4 submits that, at present, he is not having any instruction whether any decision has been taken on the application of the petitioner or not, but if no



decision has been taken till date, it will be taken by the licensing authority within a time frame.

This Court has on numerous occasions reiterated this fact that in Arms Rules, 1962 there was no time frame for taking a decision on the application submitted for grant of arms licence, but Rule 14 of the Arms Rules, 2016 stipulates that the SHO of nearest police station has to submit the report within 30 days of the receipt of the application while processing the application for grant of licence. Similarly, Rule 13 of the said Rule stipulates that the licensing authority has to take a decision by passing speaking reasoned order in writing within 60 days of the receipt of the police report. From the materials on record, it appears that the police report was submitted as far back as in 2014 but there is nothing on record to suggest that any final decision has been taken by the licensing authority. In the circumstances, now the licensing authorities have to realize that their action or inaction is incomplete derogation to the statutory provision.

In view of the discussions made above, it is expected from Respondent No. 2, District Magistrate, Buxar – cum- licensing authority under the Arms Act to take a final decision on the application of the petitioner within a period of six weeks from the date of receipt/production of a copy of this order.



Accordingly, this writ application is disposed
of with the aforementioned direction and observation.

(Dinesh Kumar Singh, J)

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