

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13706 of 2018

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Satish Kumar, Son of Ram Yatan Prasad, Resident of Village Kajichak
Ward No. 24 Police Station Barh, District Patna.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The District Magistrate-cum-District Arms Magistrate, Patna.
3. The Senior Superintendent of Police, Patna.
4. The Sub-Divisional Officer, Barh, Patna.
5. The Officer-in-Charge, Barh, Police Station Barh, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Biresh Kumar Sinha, Advocate
For the Respondent/s : Mr. Manish Kumar, GP-4
Mr. Manoj Kumar, AC to GP-4

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

02/ 24-07-2018

Heard Mr. Biresh Kumar Sinha, learned counsel

for the petitioner and Mr. Manoj Kumar, learned AC to GP-4.

The present writ application has been filed for a direction to Respondent No. 2, District Magistrate, Patna to take a final decision on the application of the petitioner, which has been submitted for grant of N.P. Bore rifle as far back as on 29.04.2015.

It is submitted by learned counsel for the petitioner that attempts were twice made on the life of the father of the petitioner, leading to registration of Barh P.S. Case No. 211 of 1994 with accusation under Section 307 of the Indian Penal Code and Barh P.S. Case No. 108 of 2015 with accusation under



Sections 307/34 of the Indian Penal Code and Section 27 of the Arms Act. But in spite of the fact that the Station House Officer, Barh Police Station submitted his report on 23.11.2015 recommending the grant of licence to the petitioner and the said recommendation was transmitted to licensing authority, till date no decision has been taken. However, on 06.07.2016 vide letter No. 2181 the licensing authority, Respondent No. 2 called for a report regarding the character of the petitioner from S.S.P., Patna and consequently the said report was also submitted on 16.07.2016 but in spite of the recommendation by the S.S.P., Patna, S.D.O., Barh, no decision has been taken as yet. Hence, the present writ application.

Mr. Manoj Kumar, learned AC to GP-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 reasonable time frame.

It is not in dispute that the petitioner made application on 29.04.2015, the police report was received by the licensing authority in November, 2016, but no decision has been taken till date. Rule 14 of Arms Rules, 2016 specifically provides for transmission of police report by the Station House Officer of



nearest police station within thirty days. It is not in dispute that the police report was submitted in 2016. However, Rule 13 of Arms Rules, 2016 prescribes sixty days period for licensing authority to pass a reasoned order in writing either granting or refusing to grant licence on receipt of the police report. It is high time that the slumber of District Magistrate, Patna should break.

In view of the discussions made above, it is expected from Respondent No. 2, District Magistrate, Patna to pass reasoned order within the parameters of the provisions of the Act and the Rules within six weeks from the date of receipt/production of a copy of this order.

Accordingly, the writ application is disposed of.

(Dinesh Kumar Singh, J)

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