

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.8305 of 2018**

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Ram Kripal Prasad son of Late Ram Ashish Prasad Resident of Village :  
Haiwatpur, P.S.Khusrupur, District : Patna.

.... .... Petitioner/s

Versus

1. The State of Bihar through Chief Secretary of Bihar, Govt. Old Secretariat, Patna (Home Deptt. Arms Matter).
2. District Magistrate, Patna.
3. Commissioner, Patna Division, Patna.
4. Arms Magistrate Collectorate, Patna.
5. Senior Superintendent of Police, Patna.
6. Additional District Magistrate Collectorate, Patna.

.... .... Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Dr. Ajay Shankar Rajoo, Advocate

For the Respondent/s : Mr. P.K. Verma, AAG3

Mr. Sanjay Kumar Ghosarvey, AC to AAG-3

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

**ORAL ORDER**

03/ 25-10-2018

Heard Dr. Ajay Shankar Rajoo, learned

counsel for the petitioner and Mr. Sanjay Kumar Ghosarvey, learned AC to AAG-3.

The present writ application has been filed for a direction to Respondent No. 2, the District Magistrate, Patna to decide the issue of grant of licence for DBBL Gun in pursuance to the order of remand passed by the Appellate Authority –cum- Divisional Commissioner, Patna vide order dated 26.04.2016 passed in Arms Appeal No. 528 of 2014, as contained in Annexure-1.



The writ application was registered on 28.04.2018 but no counter affidavit has been filed, hence, this Court is not inclined to adjourn the matter any further.

It is submitted by learned counsel for the petitioner that the father of the petitioner, late Ram Ashish Prasad had a licence for DBBL Gun. The petitioner submitted an application for grant of licence in 2009. Subsequently, the same was numbered as Misc. Arms Case No. 09-156/2012. The District Magistrate, Patna –cum- licensing authority under the Arms Act vide order dated 12.06.2014 in Arms Application Case No. 09-156 of 2012 rejected the application of the petitioner on the ground that there is no threat perception to the life and property of the petitioner. The Senior Superintendent of Police has only recommended the application of the petitioner but has not given any reason for apprehension of threat perception and petitioner has also failed to explain the specific reason for grant of arms licence. The said order was challenged by the petitioner in Arms Appeal No. 528 of 2014 but since it was kept pending for long, the petitioner approached this Court by filing writ application being C.W.J.C. No. 4583 of 2016. A Bench of this Court vide order date 28.03.2016 disposed of the writ application with direction to the appellate authority to disposed of the appeal within three months.



Thereafter, the said appeal was disposed of vide order dated 26.04.2016 passed by Divisional Commissioner, Patna directing the District Magistrate to reconsider the issue in view of the various judgments of this Court, where it has been held that of grant of arms licence cannot be refused on the ground that the applicant is not having any threat perception to his life and property. However, the licensing authority was granted liberty to seek a fresh report from the police. It is further submitted that till date the District Magistrate, Patna has not decided the issue and this application has been kept pending. Hence, the present writ application.

There is nothing on record to suggest that after the matter being remanded vide order dated 26.04.2016 by the Appellate Authority, the District Magistrate, Patna has passed any order on the application of the petitioner for grant of licence for DBBL Gun. Now under the Arms Rules, 2016, specific time frame has been fixed for transmitting the police report as well as for taking a decision on the application submitted for grant of arms licence. Rule 14 mandates that on receipt of the application for grant of arms licence the licensing authority shall call for a report from Officer-in-Charge of the nearest police station, who shall submit the report within thirty days of receipt of the application by



him, whereas Rule 13 of Rules, 2016 stipulates that the licensing authority after considering the application and on being satisfied that the applicant has fulfilled the eligibility condition, shall take a final decision by a speaking and reasoned order in writing either granting or refusing to grant the arms licence within sixty days of the receipt of police report.

In view of the discussions made above, it is expected from Respondent No. 2, the District Magistrate, Patna to take a decision on the application of the petitioner in view of the remand order dated 26.04.2016 passed by Divisional Commissioner, Patna in Arms Appeal No. 528 of 2014 within a period of four weeks from the date of receipt/production of a copy of this order.

With the above observation and direction, the present writ application is disposed of.

**(Dinesh Kumar Singh, J)**

DKS/-

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