

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16887 of 2018

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Md. Imteyaz, Son of Meer Hashim, Resident of Mohalla-Bikramshila Nagar,
Ward no. 5, Kahalgaon, P.S. Kahalgaon, District-Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar Through the Principal Secretary, Department of Home,
Govt. of Bihar, Patna.
2. The District Magistrate, Bhagalpur.
3. The Sub Divisional Officer, Bhagalpur. null null
4. The Superintendent of Police, Bhagalpur.
5. The District Arms Magistrate, BHagalpur, District-Bhagalpur.
6. The Officer Incharge of Kahalgaon Police Station, District-Bhagalpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Md. Anisur Rahman

For the Respondent/s : Mr. Shailendra Kumar, AC to GP 5

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL JUDGMENT

Date : 10-09-2018

Heard learned counsels for the parties.

The present writ application has been filed for direction to Respondent Authorities, particularly to Respondent No. 2, the District Magistrate, Bhagalpur to take a decision on the application of the petitioner submitted on 10.06.2017 for grant of licence of pistol.

It is submitted by learned counsel for the petitioner that the petitioner submitted an application for grant of licence of pistol on 10.06.2017 before the Licensing Authority Respondent No. 2, the District Magistrate, Bhagalpur, but till date decision has not been taken on the application. However, the petitioner is having serious life threat, as attempt on his life was made, leading



to registration of Kahalgaon (Sheo Narayanpur) P.S. Case No. 172 of 2017 for the offences punishable under Sections 147, 148, 149, 341, 342, 337, 353, 427, 504 and 506 of the IPC. Hence the present writ application.

Learned AC to GP 5 submits that at present he is not having any instruction. However, he submits that if any decision has not been taken on the application of the petitioner till date, the same will be taken within a reasonable time frame.

The Licensing Authority under the Arms Act, 1959 and Arms Rules, 2016 have been empowered to exercise the discretion for grant of licence within a time frame. Rule 14 mandates the submission of the police report by the SHO of the nearest police station to the Licensing Authority within a period of thirty days of receiving of the information from the licensing authority calling for report from Officer Incharge of the nearest police station, whereas Rule 13 mandates the Licensing Authority to pass reasoned and speaking order in writing within sixty days of the receipt of the application either granting or refusing to grant the license for the arms applied for. It appears that in the present case the procedure prescribed has not been followed as there is nothing on record to suggest that the Licensing Authority has taken any decision on the application of the petitioner.



In the circumstances, Respondent No. 2, the District Magistrate, Bhagalpur is expected to take final decision on the application of the petitioner for grant of licence for pistol within a period of six weeks from the date of receipt/ production of a copy of this order.

This writ application is disposed of with the aforesaid observation/direction.

(Dinesh Kumar Singh, J)

anil/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

