

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.22950 of 2018

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Rajiv Ranjan Singh, Son of Sunil Kumar Singh, Resident of Village- Kharika,
P.S.- Sonepure, District- Saran. ... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Home, Bihar, Patna.
 2. The Commissioner, Saran Division, Chapra
 3. The District Magistrate, Saran, Chapra
 4. The District Arms Office, Saran, Chapra
 5. The Superintendent of Police, Saran, Chapra
 6. The Sub-Divisional Officer, Sonepure, District- Saran Respondent/s
- =====

Appearance :

For the Petitioner/s : Mr. Manish Chandra Gandhi
For the Respondent/s : Mr. Md.N.H.Khan -Sc1

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 01-05-2019 Heard learned counsel for the petitioner and the State.

2. The instant writ application is telling tale of total non-application of mind by the Licensing Authority in grant of arms license on the ground of lack of threat perception.

3. Learned counsel for the petitioner submits that the mother of the petitioner was murdered and this petitioner was also assaulted. If these materials are not enough to constitute threat perception then threat perception is only misleading concept.

4. In the peculiar fact and circumstances of the case, the Court is of the view that the order passed by the District Magistrate, Saran, Chapra ignoring the material facts



constituting threat perception indicates that the order was passed without application of mind. The illegality committed by the Collector, Saran, Chapra was perpetuated by the Commissioner of the Division, as the Commissioner has also not considered the aforesaid factual aspect of murder of mother of the petitioner and assault on the petitioner.

5. Accordingly, order passed by the District Magistrate and the Commissioner, Saran Division, Chapra (Annexures-10 and 11) are hereby quashed. The matter is remitted back to the District Magistrate, Saran, Chapra to examine the case of the petitioner afresh. While taking decision the District Magistrate is required to take into consideration the fardbeyn dated 01.07.2014 and 03.05.2017 (Annexures- 2 and 8).

6. Necessary decision afresh must be taken by the District Magistrate, Saran, Chapra within a period of four months from the date of receipt/production of a copy of this order.

7. With the aforesaid, this application stands disposed of.

(Anil Kumar Upadhyay, J)

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