

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20314 of 2016

Manish Kumar, son of late Chitranjan Kumar Singh, Resident of Village +
P.O. - Lilari, P.S. Charpokhari, District- Bhojpur, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Department of Home Affairs, Government of Bihar.
3. The District Magistrate, Bhojpur, Ara.
4. The Superintendent of Police, Bhojpur, Ara.
5. The S.H.O., Charpokhari Police Station, District- Bhojpur.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Sheo Jee Mishra, Advocate

For the Respondent/s : Mr. P.K. Verma- Aag3

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

3 24-04-2019 Heard learned counsel for the petitioner and the State.

2. The petitioner filed an application for grant of
license, which was rejected by the District Magistrate, Bhojpur.

3. From the order of the District Magistrate, Bhojpur,
it appears that the order was passed because the Superintendent
of Police, Bhojpur, Ara has failed to submit report.

4. It is now well settled that one cannot take
advantage of its own wrong in decision making process. The
District Magistrate was required to call for the report from
Superintendent of Police and failure on the part of the District
Magistrate cannot be a ground to reject the application for grant
of Arms licence and as such the order rejecting the application
of the petitioner, as contained in Annexure-8, is unsustainable



and it is accordingly quashed. The matter is remitted to the District Magistrate, Bhojpur for taking decision afresh after calling for the report from the Superintendent of Police, Bhojpur.

5. In the event, no report is furnished by the Superintendent of Police, Bhojpur, the District Magistrate, Bhojpur is required to consider the case of the petitioner for grant of Arms license within the parameters of 2016 Rules and the judgment of the Division Bench in the case of **the State of Bihar & Ors. Vs. Deepak Kumar**, reported in **2019 (1) PLJR 664**.

6. It is made clear that the authorities under the Act are supposed to perform their obligation and failure on the part of one or the other authorities under the Act is no ground to reject the application as that will not amount to granting premium incompetence of the authorities.

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

(Anil Kumar Upadhyay, J)

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