

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18357 of 2016

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Sohan Prasad Son of Late Bihari Prasad Resident of Village- Darwan, P.S.-
Mohania, District- Kaimur Bhabhua. Petitioner/s

Versus

1. The State of Bihar
2. The Commissioner, Patna Division, Patna.
3. The District Magistrate, Kaimur Bhabhua.
4. The District Arms Magistrate, Kaimur Bhabhua
5. The Officer-in-charge, Mohania, District- Kaimur Bhabhua.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Pawan Kumar Singh
For the Respondent/s : Mr.Sheo Shankar Prasad- Sc8

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

3 08-05-2019 Heard learned counsel for the petitioner and the counsel
appearing on behalf of the State.

Petitioner is aggrieved by the order passed by the Collector, Kaimur at Bhabhua in Case No. 11 of 2012-13 whereby the application for grant of arms license of the petitioner was rejected only on the ground of lack of evidence as to the threat perception.

The petitioner approached the Appellate Authority by filing appeal alongwith petition for condonation of delay. Unfortunately the Commissioner has dismissed the appeal without passing any order on the application for condonation of delay only on the ground of delay.

Threat perception may be a relevant factor but it may not be a solitary ground for either granting or rejecting the arms license. This Court has condemned the action of the licensing



authority refusing grant of license on account of lack of material to establish threat perception. Unfortunately, in the whole State the only ground maintaining for rejecting arms license is lack of threat perception despite condemned time and again by different courts.

Considering the totality of the facts situation, the Court is of the view that the matter requires fresh consideration at the level of District Magistrate, Kaimur at Bhabhua. Accordingly, the case is remitted back to the District Magistrate, Kaimur at Bhabhua who shall examine the claim of the petitioner for grant arms license in the light of 2016 rules as well a judgment of the Division Bench reported in **2019(1) PLJR 664**.

Necessary decision in this regard may be taken by the District Magistrate within a maximum period of sixty days after general election.

It is made clear that the Collector shall not reject the application for grant of arms license only on the ground of threat perception.

With the aforesaid, the writ petition stands disposed of.

(Anil Kumar Upadhyay, J)

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