

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1023 of 2017

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Gupteshwar Nath Pandey S/o Devbansh Pandey, R/o village P.O. Manipur,
P.S. Nokha, District - Rohtas

... .. Petitioner/s

Versus

1. The State Of Bihar.
2. The District Magistrate, Rohtas
3. The Superintendent of Police, Sasaram, Rohtas
4. Sub - Divisional Officer, Sasaram, Rohtas
5. Deputy Superintendent of Police, Sasaram, Rohtas
6. Officer - in - Charge Nokha Thana, Nokha, Rohtas

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Vishal Saurabh
For the Respondent/s : Mr. Md.Nashrul Hoda Khan-SC-1

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

3 24-04-2019 Heard learned counsel for the petitioner and the
counsel appearing on behalf of the State.

Petitioner has earlier approach this Court in C.W.J.C.
No. 20938 of 2012 (Annexure-3). The writ application was
allowed and the reason for refusing to grant license lack of
threat perception held to be not sustainable. After remand vide
Annexure-3 the District Magistrate, Rohtas passed order
reiterating same reason. The District Magistrate ignoring the
order passed by this Court on 18.01.2015 vide Annexure-3 has
perpetuated the illegality and rejected the application on the
same ground of lack of threat perception. The order of the



District Magistrate, Rohtas is illegal and arbitrary exercise of power and reason assigned by him and unsustainable.

Considering the facts and circumstances of this case, the Court does not approve the order contained in Annexure-1. The same is quashed. The respondent District Magistrate, Rohtas is hereby directed to take fresh decision in the light of judgment of the Division Bench reported in *State of Bihar and Ors. Vs. Deepak Kumar (LPA No. 758 of 2018) reported in 2019(1) PLJR 664.*

It is made clear that threat perception may be relevant factor but cannot be solitary ground for either grant or refusal of arms license.

Necessary fresh decision may be taken by the District Magistrate, Rohtas at the earliest preferably within a period of 60 days after the general election.

With the aforesaid, the present writ application stands disposed of.

(Anil Kumar Upadhyay, J)

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