

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.370 of 2017

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Markandey Ojha Son of Late Dadanjee Ojha, Resident of Village- Barka
Singhanpura, P.S.- Simri, District- Buxar..... Petitioner/s
Versus

1. The State Of Bihar.
2. The Principal Secretary, Department of Home, Govt. of Bihar, Patna.
3. The District Magistrate Buxar, Bihar.
4. The Superintendent of Police, Buxar.
5. The S.H.O. Simri Police Station, District- Buxar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Sheo Jee Mishra
For the Respondent/s : Mr.P.K. Verma- Aag3

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

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

The grievance of the petitioner in the instant case is
that his application for grant of Arms licence was rejected by the
District Magistrate, Buxar, vide order dated 24.2.2016 in Arms
Case no. 160 of 2012, on the ground that there is lack of
material as to threat perception.

Learned counsel for the petitioner would submit that
the father of the petitioner was granted licence and he has
purchased gun on the strength of the Arms licence. Father of the
petitioner died on 8.2.2012 thereafter the petitioner applied for
Arms licence on 16.3.2012. In the meanwhile the petitioner
deposited the D.B.B.L. gun in a registered Arms shop at Buxar.



With reference to the recommendation, learned counsel for the petitioner submits that all the concerned have recommended in favour of the petitioner for grant of Arms licence, but the licensing authority instead of granting Arms licence has rejected the same on the ground that there is no threat perception.

This Court finds that threat perception may be one of the relevant ground for allowing or refusing the gun licence but that cannot be sole ground to award or refuse of gun licence. Accordingly, order contained in Annexure-10 refusing gun licence is hereby quashed and matter is remitted back to the District Magistrate, Buxar to take fresh decision positively in the light of the judgment report case in Manish Kumar & others Vs. the State of Bihar & others 2015 (4) PLJR,212 and the judgment of Division Bench reported in 2019 (1) PLJR 664 at the earliest preferably within a period of four months from the date of receipt/production of a copy of this order.

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

(Anil Kumar Upadhyay, J)

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