

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.428 of 2017**

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Rabindra Prasad Son of Late Bindeshwari Prasad, Resident of village - Barka  
Naya Bhojpur, P.S. Dumraon, District – Buxar..... Petitioner/s  
Versus

1. The State Of Bihar.
  2. The Principal Secretary, Department of Home Affairs, Govt. of Bihar, Patna
  3. The District Magistrate, Buxar Bihar
  4. The Superintendent of Police, Buxar Bihar
  5. The S.H.O. Dumraon P.S. District Buxar
- ... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr.Sheo Jee Mishra  
For the Respondent/s : Mr.Md. N.H.Khan -Sc1

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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 23.2.2016 in Arms Case no. 248 of 2019, 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 14.8.2007. After death of the father, petitioner had deposited the gun on 12.2.2007 at ‘Rakesh Shashtragar’ Charitravan, Buxar. The petitioner applied for Arms licence on 15.2.2006 during the lifetime of his father.



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 is of the view that threat perception may be one of the relevant ground for allowing or refusing the gun licence but that cannot be sole ground for award or refusal of gun licence. Accordingly, order contained in Annexure-8, dated 23.2.2016 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)**

T.Kr./-

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