

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8256 of 2015

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Bipin Bihari son of Sri Ramashray Narayan Sharma resident of village-
Painal, P.O.- Painal P.S.- Bihta District- Patna.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Home Commissioner, Govt of Bihar, Patna.
3. The Director General-cum-Inspector General of Police, Patna.
4. The Commissioner, Patna.
5. The District Magistrate, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Usha Kumari Singh
For the Respondent/s : Mr.Gp17- Binodji Verma

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

3 24-04-2019 Learned counsel for the petitioner submits that despite filing of application for condonation of delay treating the appeal as time barred without deciding petition for condonation of delay.

Considering the totality of the facts situation, the Court is of the considered view that rejection of arms license only on the ground of threat perception is unsustainable.

The authorities have to consider the other aspects for grant of license. The threat perception may be a relevant factors but it could not be a solitary ground either for grant of licence or refusal of gun licence. The order of the appellate is not on the



merit and as such the Court in the peculiar facts and circumstances of the case is constrained to remit the matter back to the District Magistrate, Patna for decision afresh in accordance with law.

While taking decision the Collector is required to consider the 2016 Rules as well as the judgment of the Division Bench reported in **2019 (1) PLJR page 664.**

Final decision in this regard may be taken by the Collector within a maximum period of six months from today.

With the aforesaid, the writ application stands disposed of.

(Anil Kumar Upadhyay, J)

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