

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.21056 of 2013

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Sri Ram Singh Son Of Late Nand Kumar Singh Resident Of Village - Manjhi
Utar Tola, P.S. Police Station - Manhi, District - Saran At Chapra

... .. Petitioner/s

Versus

1. The State Of Bihar.
2. The Commissioner Saran, At Chapra.
3. The District Magistrate Saran At Chapra.
4. The Superintendent Of Police Saran At Chapra.
5. The Deputy Superintendent Of Police Saran At Chapra.
6. The Sub Divisional Magistrate Saran At Chapra.
7. The Officer - In - Charge Manjhi Police Station Under District - Saran At Chapra.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Shambhu Prasad Yadav
For the Respondent/s : Mr.Harendra Pd. Singh

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

4 24-04-2019 Heard learned counsel for the petitioner and counsel
appearing on behalf of the State.

The petitioner has approached this Court for quashing
of the order dated 19.7.2012 passed by the District Magistrate
Saran At Chapra in Arms Case No. 01-2011 as well as the order
dated 27.01.2011 passed by the Commissioner Saran at Chapra
in Arms Appeal No. 103 of 2009.

Application of grant of gun license was rejected by
the District Magistrate Saran at Chapra in Arms Case no. 2 of
2005 on 31.08.2009 and against the aforesaid decision the



petitioner has filed Arms Appeal No. 103 of 2009 before the Commissioner Saran Chapra and after hearing the parties Commissioner Saran, remitted back the case to the District Magistrate, Saran for decision afresh after enquiry as to threat perception of the petitioner.

Learned counsel for the respondents submits that after order of commissioner, the Collector and after hearing the parties Collector had passed order in Arms Case No. 01 of 2011 vide order dated 19.7.2012 (Annexure-4) and recorded a finding that there is no specific threat perception and in view of the series of criminal cases and conviction as well as prevailing tension among the kin of the petitioner, the petitioner does not deserve Arms license and as such application for grant of Arms license was rejected.

Learned counsel for the petitioner filed supplementary affidavit. With reference to Annexure-5 order dated 12.3.2012, he submits that petitioner was granted benefit of Section 4 of Probation of Offenders Act. He further submits that period of one year probation has already expired and as such, there is no legal impediment in granting Arms license to the petitioner.

Considering the fact that the Appellate Court has released the petitioner giving benefit under Section 4 of the



Probation of Offenders Act and the one year of probation has also expired, it would be appropriate that District Magistrate, Saran at Chapra may reconsider the matter for grant of Arms license to the petitioner. So far as the rejection of the Arms license on the ground of threat perception alone may not be good ground to refuse Arms license. Accordingly, the District Magistrate Saran at Chapra is directed to examine afresh the application for grant of Arms license to the petitioner in the light of the law laid down by Division Bench reported in 2019, (1) PLJR 664. Until further fresh order by the Collector, the impugned order (Annexure-4) passed by District Magistrate Saran is kept in abeyance.

With the aforesaid, the writ petition stands disposed of.

(Anil Kumar Upadhyay, J)

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