

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13457 of 2016

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Raghubansh Narayan Singh S/o Sri Awadh Bihari Singh R/o Vill- Bishunpura,
P.S. Sasaram, Dist- Rohtas.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Divisional Commissioner, Patna, Bihar.
3. The District Magistrate, Rohtas

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Ajay Kumar Sharma
For the Respondent/s : Mr.S.C. Yadav- Gp15

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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.

2. Father of the petitioner was granted gun lincense
vide Arms License No. 858 of 1972.

3. The petitioner is partner of Rakhi Construction
Private Limited and on account of advanced age of the father
who was licensee, the application was filed by the petitioner for
transfer of the gun license in favour of the petitioner.

4. Father of the petitioner is more than 90 years and
application for transfer of gun license in favour of the petitioner
was rejected by the District Magistrate, Rohtas on 5.8.2006.
Thereafter, the petitioner approached the Commissioner in Arms
Appeal No. 341 of 2006. The appeal was allowed and the matter



was remitted back for decision afresh to the District Magistrate, Rohtas.

5. After order of remand, fresh order on 3.9.2012 was passed by the District Magistrate, Rohtas refusing to grant arms license or permits transfer of arms license in favour of the petitioner on the ground that there is lack of threat perception. The Appellate Authority has passed order upholding the decision of the Collector.

6. Considering the totality of the facts situation, the Court is of the view that the order passed by the Collector refusing for grant of arms license or transfer of arms license in exercise of original jurisdiction as well as appellate jurisdiction is not in accordance with 2016 rules, the respondents have to consider the application in accordance with Rule 25 of 2016 Rules as they are not justified simply in rejecting the application for lack of threat perception.

7. Threat perception may be a relevant factors but not the sole factors for grant or refuse arms license particularly in the view of the that father of the petitioner is aged about 90 years, the District Magistrate was required to consider the case of the petitioner for transfer of gun license/award of gun license so that the petitioner may retain the double barrel gun which was



purchased by the father in terms of gun license issued to him vide arms license no. 858 of 1972.

8. Accordingly, Annexure-3 and 4 are hereby quashed. The matter is remitted back to the District Magistrate who is required to pass fresh order in terms of Rule 2016 as well as judgment of the Division Bench reported in 2019(1) page 664 at the earliest preferably within a period of four months from the date of receipt/production of a copy of this order.

9. With the aforesaid, the writ application is allowed and disposed of.

(Anil Kumar Upadhyay, J)

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