

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19391 of 2017

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Madan Prasad Son of late Radhey Shyam Prasad R/o Village- Dumduma,
Daudpur, Police Station Daudpur and District- Saran.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Commissioner Saran Division at Chhapra.
3. The District Arms Magistrate Cum District Magistrate, Saran.
4. The Superintendent of Police, Saran.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Sunil Shankar Pandey
		Mr. Vinay Kumar
For the Respondent/s	:	Mr.Md. N.H. Khan- Sc1

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

3 15-05-2019 Heard learned counsel for the petitioner and the
counsel appearing on behalf of the State.

2. Petitioner is aggrieved by the inaction of the respondents in renewing his gun license. The father of the petitioner died on 23.9. 2011. After the death of the father, the petitioner applied for grant of gun license and for transfer of the gun in favour of the petitioner.

3. The licensing authority rejected the application of the petitioner for grant of gun license on the ground of lack of threat perception.

4. The petitioner preferred appeal being Appeal No. 178 of 2015 for grants of arms license. However, that appeal stood dismissed for lack of Pairvi and as such the petitioner has



approached this court.

5. So far as the appeal is concerned, the appeal was not decided on the merit of the case but for default.

6. On perusal of the record, the Court finds that the order refusing grant of gun license was based on the ground of lack threat perception. Threat perception may be a good ground to grant or to refuse grant of gun license but that cannot be a solitary ground in decision making process. This court has deprecated such action of refusing grant of license time and again but unfortunately the District Magistrate is rejecting grant of gun license on the solitary ground of lack of threat perception.

7. Considering the peculiar facts and circumstances this court remit the matter back to the District Magistrate, Saran to take fresh decision on the application of the petitioner for grant of license in the light of Rule 2016 and the judgment reported in 2019(1) PLJR 664.

8. It is made clear that the District Magistrate shall not be influenced by his earlier decision contained in Annexure-1 dated 8.8.2014 and shall not reject the application for grant of arms license solely on the ground of lack of threat perception.

9. Necessary decision shall be taken by the District



Magistrate within a maximum period of sixty days after general election.

10. With the aforesaid, the writ petition stands disposed of.

(Anil Kumar Upadhyay, J)

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