

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.2216 of 2017

Arising out of

Civil Writ Jurisdiction Case No.13638 of 2016

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Gopal Jee Pandey S/o Late Ramashish Pandey Village Dhanchhuhan, P.O.
Mohanpur, P.S. Karakat, District - Rohtas.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Sri Amir Subhani, Principal Secretary, Department of Home, Government of Bihar, Patna.
3. Sri Animesh Kumar Prashar, District Magistrate, Rohtas.
4. Sri Om Prakash Pal, Additional Collector cum District Arms Officer, Rohtas, Sasaram.
5. Sri Rajesh Kumar, Sub Divisional Officer, Bikramganj, Rohtas.
6. Sri Manawjit Singh Dhillon, Superintendent of Police, Rohtas at Dehri-on-Sone.
7. Sri Neeraj Kumar, Deputy Superintendent of Police, Bikramganj, Rohtas.
8. Sri Rajendra Prasad, Officer-in-Charge, Karakat Police Station, Rohtas.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Rakesh Narayan Singh with Mr. Kanhaiya Pandey, Advocates
For the State :		Mr. Prabhat Kumar Verma, AAG 3 with Mr. Sanjay Kumar 'Ghosarvey', AC to AAG 3

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 19-11-2019

Heard learned counsel for the petitioner and learned
AAG 3 for the State.

2. Pursuant to order dated 05.11.2019, the District
Magistrate, Rohtas is present.

3. In view of the facts and circumstances of the case
where initially an order rejecting the application of the petitioner



for grant of arms licence had been set aside by the Court and the matter remanded to the District Magistrate, Rohtas for taking fresh action, when again an order rejecting the claim was passed on some grounds, which were beyond the capacity of the petitioner to be fulfilled, inasmuch as, there being no designated person or institute from where a training certificate with regard to having a working knowledge of operating of firearm could be obtained, the Court had required the presence of the District Magistrate, Rohtas to understand as to how the matter is being considered by him so that there is no violation of any provision of the Arms Act and Rules and also there is harmonious balance with the request of a citizen for arms licence which is required to be considered objectively.

4. Having interacted with the District Magistrate, Rohtas and hearing learned counsel for the parties, the District Magistrate, Rohtas very fairly submitted that there are some issues, both with regard to the statutory provisions which are mandatory in nature and also with regard to the discretion given under the Act and Rules to him to consider such request, which requires to be addressed on a case to case basis keeping in mind that subjectivity in the matter is minimised. He further submitted that if the petitioner is able to meet the statutory requirement including that



of having knowledge in the working of firearm, he may submit an application to him, which shall be considered, in accordance with law.

5. The Court finds that the stand taken by the District Magistrate, Rohtas appears to be fair and reasonable. The statute having vested power on him, ultimately he has to exercise his authority for which he is responsible and, thus, without being fully satisfied, he cannot be expected to pass an order. Thus, the stand taken by him for considering the application of the petitioner, once the requirement of submitting a certificate is fulfilled, on general and broad principles/parameters and objectively, to the extent possible, the Court finds that nothing further remains in the present matter.

6. The Court would only indicate that in terms of Rule 25 of the Arms Rules, 2016 as the firearm left by his deceased uncle was to be inherited by him, the authorities would be mindful of such provision. The Court would also indicate that the petitioner in view of the provisions in force may apply in the format required under Rule 11 of the Arms Rules, 2016.

7. Accordingly, the application stands disposed off in light of the discussions made hereinabove.



8. Personal appearance of the District Magistrate, Rohtas
stands dispensed with.

(Ahsanuddin Amanullah, J)

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