

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17057 of 2016

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Ashok Kumar Mishra son of Shri Lallan Mishra Resident of Village-
Kanjharuan, P.S.- Koran Sarai, District- Buxar, Bihar.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The Principal Secretary, Home Government of Bihar, Patna.
3. The District Magistrate, Buxar.
4. The Superintendent of Police, Buxar.
5. The Sub Divisional Magistrate, Dumraon, Buxar.
6. The SHO, Koran Sarai, Buxar.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Surendra Kr. Singh
		Ms. Sudha Chandra
For the Respondent/s	:	Mr.Sanjay Kumar - Aag3

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

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

2. Petitioner is aggrieved by the order of the Collector
contained in Annexure-8.

3. Learned counsel for the petitioner submits that
father of the petitioner was initially granted gun liscence and on
account of his old age, the petitioner applied before the District
Magistrate to transfer the double barrel gun which was
purchased by the grandfather and for issuance of arms license .

4. Learned counsel for the petitioner submits that
subsequently grandfather of the petitioner who was original



licensee died on 10.8.2017 i.e. during the pendency of the writ application.

5. Learned counsel for the petitioner would submit that the application for grant of gun license was rejected only on the ground of lack of threat perception.

6. Learned counsel submits that thereat perception may be a relevant factors but it was not a sole consideration for award of license or refusal of license. The Collector while refusing grant of gun license has not considered the other aspect of the matter. He submits that the Collector was required to take derision in terms of rule 25 of 2016 as well as law laid down by the Division Bench reported in **2019 (1) 664**.

7. Considering the fact that the application of the petitioner for grant of license and transfer of double barrel gun was rejected by the Collector only on the ground of threat perception which was condemned as a ground of rejection in numerous cases, the Court is of the considered view that the matter requires fresh consideration by the District Magistrate.

8. Accordingly, the writ petition is allowed. The Annexure-8 is quashed. The matter is remitted back to the Collector, Buxar for taking fresh decision on the application for grant of arms license to the petitioner within a maximum period



of four months.

9. While taking decision, the Collector is required to take decision in terms of Rule 2016 as well as judgment of the Division Bench reported in **2019(1) 664.**

(Anil Kumar Upadhyay, J)

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