

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19966 of 2016

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Jitendra Kumar Son of Ramanand Sharma, Resident of Village- Uttimpur,
P.S.- Hulasganj, District- Jehanabad.

... .. Petitioner/s

Versus

1. The State Of Bihar.
2. The Principal Secretry, Home Special, Department, Government of Bihar,
Old Secretariat, Patna.
3. The District Magistrate, Jehanabad.
4. The District Arms Magistrate, Jehanabad.
5. The Superintendent of Police, Jehanabad.
6. The Additional Superintendent of Police-cum-Sub-Divisional Police Officer,
Jehanabad.
7. The Senior Superintendent of Police, Muzaffarpur.
8. The Officer-In- Charge, Town Police Station, Muzaffarpur.
9. The Officer-in-Charge, Hulasganj Police Station, District- Jehanabad.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Arun Kumar
For the Respondent/s : Mr.Sheoshankar Prasad-Sc8

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

4 15-05-2019 Heard learned counsel for the petitioner and the
counsel appearing on behalf of the State.

This is the second round of litigation, earlier the application for grant of arms license was rejected by the licensing authority on 24.07.2015 aggrieved by the decision of the District Magistrate, Jehanabad dated 24.07.2015, the petitioner has filed C.W.J.C. No. 18592 of 2015 the Court after detail discussed held out that the rejection on the ground of lack of threat perception is bad. Accordingly, the order dated



24.07.2015 was quashed and the matter was remitted back for decision afresh by the licensing authority. Unfortunately, after the order of the writ Court dated 07.12.2015 again the same reason was coined by the District Magistrate-cum-Licensing Authority for rejecting the arms license of the petitioner.

Threat perception may be relevant factor for grant of arms license but it cannot be a solitary ground for denial of arms license by the Licensing Authority. The Court noticed that the District Magistrate, Jehanabad has rejected the application for grant of Arms License basically on account of lack of threat perception. The Division Bench in ***State of Bihar and Ors. Vs. Deepak Kumar (LPA No. 758 of 2018)*** reported in ***2019(1) PLJR 664*** has laid down principle to be followed for grant of license. 2016 Rules also provides guidelines how to grant license or refuse license but the District Magistrate, Jehanabad like other Collector of District in the State of Bihar is practicing one and the same parameters for grant or refuse license i.e. threat perception which is indicative of subjective decision and not objective application of mind in the light of the 2016 Rules and the judgment of the Division Bench in ***State of Bihar and Ors. Vs. Deepak Kumar (LPA No. 758 of 2018)*** reported in ***2019(1) PLJR 664***.



Accordingly, the present writ application is allowed and the order contained in Annexure-1 is quashed and the matter is remitted back to the District Magistrate, Jehanabad to consider the grant of arms license afresh in the light of the 2016 Rules and the judgment of the Division Bench (Supra) and necessary decision afresh in this regard may be taken by the District Magistrate, Jehanabad within a period of two months after the general election.

With the aforesaid, the present writ application stands disposed of.

(Anil Kumar Upadhyay, J)

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