

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16592 of 2017

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Yugal Kishore Singh, Son of late Chandraket Singh Resident of Village-
Charihara, P.S. Mashrak, District- Saran.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Divisional Commissioner, Saran Division, Chapra.
3. The District Magistrate, Saran, Chapra.
4. The Superintendent of Police, Saran, Chapra.
5. The District Arms Magistrate, Saran, Chapra.
6. The Sub-Divisional officer, Marhowrah, District- Saran, Chapra.
7. The Sub Divisional Police Officer, Marhowrah, District Saran.
8. The Police Inspector, Mashrak Police Station- District - Saran.
9. The Officer Incharge, Mashrak Police Station- District- Saran.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Jeetendra Narayan, Advocate
For the Respondent/s : Mr.Md.Nadeem Seraj -GP-5
Ms. Shalini, AC to GP-5

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

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

The petitioner is aggrieved by the order dated
7.1.2016 passed by the District Magistrate, Saran at Chapra in
Case No. 107 of 2014 and the order dated 18.8.2017 passed by
the Divisional Commissioner, Saran at Chapra in Arms Appeal
No. 69 of 2016.

Learned counsel for the petitioner would submit that
the application for grant of arms licence was rejected by the
District Magistrate on two grounds, firstly, that one of the



family members is holding arms licence and, therefore, there is no need to grant arm licence to the petitioner, and secondly, that there is no threat perception for granting arms licence. Thereafter, the petitioner approached the appellate authority who declined to exercise jurisdiction vested in him as statutory appellate authority in most cavalier manner.

In the present case a counter affidavit has been filed on behalf of the respondents which is most evasive. In para-7 thereof there is only reference that there is lack of threat perception as in the report of the S.P. there is no any specific indication of threat perception.

The court has noticed that application has been rejected on the ground of lack of threat perception and on the ground that one of the members of the family is holding licence. Such ground is unsustainable as the law permits three gun licences to a person.

Considering the aforesaid, the orders as contained in Annexures-8 and 15 are held to be unsustainable and, accordingly, they are quashed. The matter is remitted back to the District Magistrate to take a fresh decision in the light of observations made hereinabove within a maximum period of 60 days after the General Parliamentary Election.



With the aforesaid, the writ petition stands disposed
of.

(Anil Kumar Upadhyay, J)

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