

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17571 of 2017

Manish Kumar Son of Raj Kishore Thakur, Resident of Village- Ratanouli,
P.S. Mahanth Maniari, District- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Commissioner, Tirhut Division, Muzaffarpur.
3. District Magistrate, Muzaffarpur.
4. Senior Superintendent of Police, Muzaffarpur.
5. Additional Collector cum District Public Grievance Redressal Officer,
Muzaffarpur.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Surendra Kishore Jha, Advocate
Mr. Subodh Kumar, Advocate

For the Respondent/s : Mr.Saroj Kumar Sharma, AC to AAG-3

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

4 19-06-2019 Pursuant to the order dated 15.5.2019 the original records of the case has been produced by the counsel for the respondents. From perusal of the record it appears that the application for grant of licence was refused on the ground of lack of threat perception. The threat perception may be one of the grounds for refusing gun licence but that cannot be solitary ground for grant or refusal of licence. This Court has time and again deprecated rejection on the solitary ground of lack of threat perception. It appears that the respondents have taken lack of threat perception as a stereo-type of reason for refusal of arms licence. In the instant case also the respondents have refused to



grant licence on the ground of lack of threat perception.

As stated above, the Court does not feel persuaded to accept the refusal of gun licence only on the ground of lack of threat perception. There are various issues as well which are weighed for grant or refusal of arms licence.

Considering the totality of the fact situation, the writ petition is allowed. The order refusing gun licence dated 4.3.2017 is quashed. The matter is remitted back to the District Magistrate, Muzaffarpur to take a fresh decision on the application for grant of gun licence objectively in accordance with 2016 Rules as well as the judgment of the Division Bench in the case of the **State of Bihar & Ors. Vs. Deepak Kumar: 2019(1) PLJR 664**. Necessary decision afresh must be taken by the District Magistrate, Muzaffarpur within a period of four months from the date of receipt/production of a copy of this order.

With the aforesaid, the writ petition stands disposed of.

(Anil Kumar Upadhyay, J)

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