

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.24011 of 2019

=====

Brijesh Kumar Singh S/o Sri Ganga Prasad Singh Resident of Village- Chand,
P.o. and P.s.- Chand, Distt.- Kaimur at Bhabhua

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary Home (Police), patna
2. The District Magistrate Kaimur at Bhabhua
3. The District Arms Magistrate Kaimur at Bhabhua
4. The Superintendent of Police Kaimur at Bhabhua

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr.Satish Kumar Sinha
For the Respondent/s : Mr.Sheo Shankar Prasad (SC8)

=====

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL JUDGMENT

Date : 04-12-2019

Heard counsel for the parties.

The petitioner is aggrieved by the order dated 22.08.2019 passed by the District Magistrate, Kaimur at Bhabhua in Arms License Case no. 194/2013-14 whereby the application of the petitioner for grant of Arms License has been rejected inter alia on the grounds that there is not threat perception.

The case of the petitioner in short is that petitioner submitted an application in prescribed proforma to the respondent District Arms Magistrate, Kaimur at Bhabhua on



15.07.2009 for issuance of N.P. Bore Pistol. It further appears that after receipt of the aforesaid application, the police verification was made and the same was duly forwarded to the District Magistrate, Kaimur at Bhabhua through proper channel on 06.09.2013. After receipt of the same, the District Magistrate, Kaimur at Bhabhua issued notice on 19.09.2013 for hearing to the petitioner on 24.10.2013. However, the aforesaid arms license case remained pending for more than four years and, thereafter, petitioner move before this Hon'ble Court in CWJC No. 13739 of 2017. The said CWJC No. 13739 of 2017 was disposed of vide order dated 13.09.2018 by Honble Mr. Justice Dinesh Kumar Singh with an observation:-

“This court hopes and trusts that the above detailed and comprehensive discussion will now open the eyes of the licensing authority and they will exercise its statutory jurisdiction by adhering to the provisions as mandated in the Arms Act, 1959 and the Arms Rules, 2016”

In view of the discussions made above, it is expected from Respondent No. 2, District Magistrate, Kaimur at Bhabhua to take final decision on the application of the petitioner within a period of four weeks from the date of receipt/production of a copy of this order.

Thereafter, the petitioner produced the aforesaid order



dated 13.09.2018 before the respondent/District Magistrate on 22.08.2019 refusing to grant the Arms license to the petitioner only on the ground of absence of threat perception and danger to the life and property to the petitioner.

The only ground assigned by the licensing authority for rejection of the prayer of the petitioner for grant of NPB pistol is that there is no threat perception and danger to the life and property to the petitioner.

It is submitted on behalf of the petitioner that by a catena of decisions of Hon'ble High Court it is settled law that the provisions of section 14 of the Arms Act makes it clear absence of threat perception is not a ground for rejection of the application for grant of Arms License.

In this connection he has placed reliance upon a **judgement dated 24.05.2018 passed in CWJC No. 12514 of 2017 and order dated 25.08.2014 passed in CWJC No. 2503 of 2013.**

In view of the aforesaid facts and circumstances, order passed by District Magistrate, Kaimur at Bhabhua is hereby set aside. Accordingly, this writ petition is allowed.

The District Magistrate, Kaimur at Bhabhua/Licensing Authority is directed to pass an appropriate



order in accordance with law within a period of six weeks from
the date of receipt/production of a copy of this order.

(Prabhat Kumar Singh, J)

vinita/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	09.12.2019
Transmission Date	

