

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.23176 of 2018

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Md. Shahid Ekbal Son of Nakki Uddin, Resident of Mohalla- Jay Prakash Nagar, Khalifa Bag, Nala Road, Ward No. 22, P.O. and P.S. and District-Khagaria. Petitioner/s

Versus

1. The State of Bihar, Bihar
2. The Principal Secretary, Department of Home, Government of Bihar, Patna.
3. The Commissioner Munger Division, Munger.
4. The District Magistrate, Khagaria.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Prabhat Ranjan Singh
For the Respondent/s : Mr.Anil Kumar,AC to SC-8

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 15-05-2019 Heard learned counsel for the petitioner and the counsel appearing on behalf of the State.

Petitioner is aggrieved by the order contained in Annexure-1 dated 13.10.2016 whereby the District Magistrate, Khagaria rejected the application for grant of arms license. From the order of the District Magistrate, it appears that the District Magistrate has rejected the application for grant of gun license only on the ground that no case is pending against this petitioner. His father is advocate and he has no enmity with any person and he has not received any threat from anyone and therefore, there is no justification to grant arms license.

In sum and substance, the District Magistrate refused to grant arms license on the ground of assessment of threat perception.

The Commissioner passed order dated 5.7.2017 where



he rejected the appeal holding that there is no threat perception and as such there is no infirmity in the order passed by the District Magistrate. Threat perception may be a relevant factor but it cannot be a solitary ground to refuse grant of gun license. The District Magistrate has refused to grant gun license and order of the District Magistrate was upheld by the Commissioner to indicate that they have not objectively considered the application for grant of gun license. In the matter of granting or refusing gun license there are many factors which weight in the process of taking decision for grant of arms license or refusal of gun license but the Collector in the instant case has simply considered threat perception and on that basis he has refused to grant gun license. Such decision is not in accordance with law.

Accordingly, the writ petition is allowed. The Annexure 1 and 2 are quashed.

The matter is remitted back to the District Magistrate, Khagaria who shall take fresh decision in the light of 2016 rules and the judgment reported in **2019(1) PLJR 664** within a period of sixty days after general election.

(Anil Kumar Upadhyay, J)

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