

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4105 of 2022

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Nitish Kumar Son of Sri Tej Narayan Singh Resident of Village- Kharahana,
P.S.- Itarhi, District- Buxar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Home (Police) Department, Government of Bihar, Patna.
2. The Commissioner, Patna Division, Patna.
3. The District Magistrate, Buxar, District- Buxar.
4. The District Arms Magistrate, Buxar, District- Buxar.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Ras Bihari Thakur, Advocate
For the Respondent/s	:	Mr.P.K. Verma (AAG-3)
		Mr. Mankeshwar Tiwari, Advocate

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 19-12-2022 The present writ petition has been filed seeking the following relief:-

“For issuance of an appropriate writ in the nature of CERTIORARI for quashing the order dated 02.12.2021 passed in Arms Appeal No.68 of 2016 by the Commissioner, Patna Division at Patna,whereby and whereunder he was pleased to reject the aforesaid appeal filed on behalf of above named petitioner, challenging the order dated 24.02.2016 passed in Arms Case No. 26 of 2015 by District Magistrate, Buxar by which an application to grant the license for S.B.B.L. gun has been refused.”

This Court finds that the appeal of the petitioner has been rejected by the Commissioner, Patna Division, Patna by an order dated 02.12.2021, passed in Arms Appeal Case No. 68 of 2016 on the ground that the case of the petitioner cannot be considered since he is grandson of the arms license holder and



according to the circular of the Home (Police) Department, Government of Bihar, Patna dated 13.10.2014, grandson is not a legal heir.

In view of the aforesaid, the learned counsel for the petitioner seeks liberty on behalf of the petitioner to file a fresh application for grant of arms license, as per the provisions contained in the Arms Rules, 2016, however, seeks a direction upon the District Magistrate, Buxar to consider the same and pass appropriate orders thereon, in accordance with law, within a fixed time frame.

Accordingly, the present writ petition stands disposed off as not pressed, however, with liberty to the petitioner to file a fresh application for grant of arms license and in case such an application is filed, within a period of four weeks from today, the same shall be considered, in accordance with law and appropriate orders shall be passed thereon, within a period of 12 weeks, thereafter.

The writ petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

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