

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3336 of 2023

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Kamal Prasad Singh Son of Late Bindeshwari Singh, resident of Village Lahuar, P.O. Telhar, P.S. Mahishi, District Saharsa.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Home, Government of Bihar, Patna.
2. The Divisional Commissioner, Koshi Division, Saharsa.
3. The District Magistrate, Saharsa.
4. The District Arms Magistrate, District Saharsa.
5. The Superintendent of Police, District Saharsa.
6. The Officer In-charge, Police Station Mahishi, District Saharsa.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Dhananjay Kumar, Advocate
For the Respondent/s : Mr.M. Nasrul Huda Khan (SC 1)

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3 28-11-2023 Heard the parties.

2. This application has been filed for quashing of the order dated 22.07.2022 passed by the Divisional Commissioner, Koshi Division, Saharsa in Arms Appeal Case No. 32 of 2019 and also for quashing of the Memo No. 691 dated 27.05.2019 and the Memo No. 742 dated 29.05.2019 passed by the District Arms Magistrate, Saharsa by which the Magistrate has rejected the application of the petitioner for grant of licence of double barrel gun bearing Licence No. 2385/89.

3. Learned counsel for the petitioner has submitted that petitioner is aggrieved by order dated 27.05.2019 passed by the District Arms Magistrate, Saharsa by which the Magistrate



has rejected the application of the petitioner for grant of Arms licence on the ground that he is accused in a case in connection with Mahishi P.S. Case No. 160 of 2010 registered for the offence under Sections 341, 323, 504, 34 of the Indian Penal Code.

4. Learned counsel for the petitioner has further submitted that there is no allegation of use of any Arms of the petitioner in the aforesaid case. Moreover, in the aforesaid case there is a compromise between the parties and a compromise petition has also been filed which is pending in the court below.

5. Learned counsel for the State has submitted that the application for grant of Arms licence has been rejected because of the aforesaid case because he threatened the voters during election.

6. I have considered the submissions of both the parties and also perused the materials available on record.

7. A case was registered in the year 2010 for the offences under Sections 341, 323, 504, 34 of the Indian Penal Code is being relied upon by the District Arms Magistrate, Saharsa in the year 2019 for cancelling the Arms Licence. This Court is of the opinion that the impugned order passed by the order dated 22.07.2022 passed by the Divisional Commissioner,



Koshi Division, Saharsa in Arms Appeal Case No. 32 of 2019 ,
the Memo No. 691 dated 27.05.2019 and the Memo No. 742
dated 29.05.2019 passed by the District Arms Magistrate,
Saharsa cannot be sustained. As petitioner has never accused of
using the Arms and simply because of a case which has been
registered against the petitioner in the year 2010 cannot be
relied upon by the authorities for cancelling the Arms Licence of
the petitioner.

8. In these circumstances, the impugned order dated
22.07.2022 passed by the Divisional Commissioner, Koshi
Division, Saharsa in Arms Appeal Case No. 32 of 2019, the
Memo No. 691 dated 27.05.2019 and the Memo No. 742 dated
29.05.2019 passed by the District Arms Magistrate, Saharsa are
hereby quashed and the Arms Licence of the petitioner is
hereby restored.

(Sandeep Kumar, J)

Harsh/

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