

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.8115 of 2023**

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Gaurav Kumar Son of Shashi Shankar Singh, Resident of Mohalla- New Area, Bisar Tank, Nutan Nagar, Chandra Lok Bhawan P.S.- Civil Lines, Distt. and Town- Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar Patna.
2. The Commissioner, Magadh Commissionaire, Gaya.
3. The Distt. Magistrate, Gaya.
4. The Senior Superintendent of Police, Gaya.
5. The Dy. S.P., Civil Lines Area.
6. The Officer-in-Charge, Civil Lines Police Station Gaya.

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr.Mukesh Kumar No1  
For the Respondent/s : Mr.Md. Nadim Seraj ( Gp 5 )

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**CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR**  
**ORAL ORDER**

2      28-11-2023                      Heard the learned counsel for the parties.

2. This application has been filed for quashing the order dated 29.09.2022 passed by the Commissioner Magadh Commissionaire Gaya, passed in Arms Appeal No. 172/2019 whereby and where under the Arms appeal has been dismissed on the ground that there is lack of threat perception and for quashing the order dated 04.12.2018 passed by the District Magistrate, Gaya.

3. The learned counsel for the petitioner submits that petitioner is a big business man and is doing business in an area which is infested with Naxals in Gaya district and he had



applied for arms license. He further submits that the application of the petitioner has been rejected by the District Magistrate vide order dated 04.12.2018 on the ground that petitioner has no threat perception.

4. Learned counsel for the petitioner further submits that petitioner runs a petrol pump in Barachatti and he also runs a transport service in the name of “Maharani Bus service”.

5. Barachatti admittedly is disturbed area infested with Naxals. A person doing business in Barachatti area needs to be protected. If the District Magistrate does not feel that the petitioner has threat to his life, then the District Magistrate will have to provide police protection for safety of the life and property of the petitioner.

6. The District Magistrate, Gaya is directed to choose either to grant license to the petitioner or to provide police protection to the petitioner.

7. The District Magistrate, Gaya is directed to consider the application of the petitioner for grant of arms license in view of the aforesaid observations and he will pass a reasoned order on the application of the petitioner for grant of Arms License within two weeks form the date of receipt of a



copy of this order.

8. With the aforesaid observation and direction, this application is allowed and the impugned order dated 04.12.2018 passed by District Magistrate, Gaya and the order dated 29.09.2022 passed by the Commissioner Magadh Commissionaire Gaya, passed in Arms Appeal No. 172/2019, are hereby quashed.

9. Let a copy of this order be communicated to the District Magistrate, Gaya through FAX for its compliance forthwith.

**(Sandeep Kumar, J)**

Shishir/-

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