

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9548 of 2023

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Kaushal Motani Son of Anjani Motani Resident of Mohalla Jain Tola, P.S.
Bettiah Town, District-West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
2. The Commissioner, Tirhut Division, Muzaffarpur.
3. The District Magistrate, West Champaran, Bettiah.
4. The Arms Magistrate, West Champaran, Bettiah.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Kalpana
For the Respondent/s	:	Mr. Sheo Shankar Prasad (Sc8) Mr. Sanjay Kumar AC to SC 8

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 28-11-2023 1. This application has been filed for setting aside the order dated 10.09.2018/11.09.2018 as contained in Memo No. 181 passed in Arm License Case No. 04/2018 passed by learned District Magistrate, West Champaran, Bettiah by which the application filed by the petitioner for issuance of N.P. Bore Revolver license has been rejected and also further to set aside the Appellate order dated 10.06.2021 passed by learned Commissioner, Tirhut Division, Muzaffarpur in Arms Appeal Case No. 108/2020 by which the magistrate has upheld and appeal of the petitioner was dismissed.

2. From the order dated 10.09.2018/11.09.2018 passed in Arms License Case No. 04 of 2018 for grant of



license, the District Magistrate, Bettiah has noted that a prayer was made that the petitioner was unable to attend the Court but without hearing the petitioner, his application for grant of Arms license has been rejected which has been affirmed by the Commissioner by order dated 10.06.2021 passed in Arms Appeal No. 108/2020.

3. Learned counsel for the petitioner submits that on the date fixed, there was a call for Bharat Band and, therefore, the petitioner could not appear in time before the Collector and the Collector ought to have adjourned the case for another date for hearing the petitioner.

4. The Contention of the petitioner seems to be genuine, in these circumstances, this application is allowed and the order dated 10.09.2018/11.09.2018 (Annexure-2) passed in Arm License Case No. 04/2018 by learned District Magistrate, West Champaran, Bettiah and the order dated 10.06.2021(Annexure-5) passed by Commissioner, Tirhut Division, Muzaffarpur are hereby *set aside*.

5. The Collector will consider the prayer for grant of Arms license who admittedly is a reputed businessman of West Champaran.

6. It goes without saying that any good



businessman faces threat from criminals in the society.

7. The Collector while considering the case of the petitioner will not insist for a criminal case to be registered by the petitioner for his threat but threat perception has to be examined by examining the circumstances and law & order situation.

8. With the aforesaid observation and direction, this application is allowed.

(Sandeep Kumar, J)

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