

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12088 of 2022

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Rajeev Ranjan Son of Shyam Sundar Singh, Resident of Village- Bajdov,
Police Station- Nayagaon, District- Begusarai.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Home,
Government of Bihar, Patna.
2. The Divisional Commissioner, Munger Division, Munger.
3. The District Licensing Authority, Begusarai.
4. The District Magistrate-cum- Collector, Begusarai.
5. The District Arms Magistrate, Begusarai.
6. The Superintendent of Police, Begusarai.
7. The S.H.O., Nayagaon Police Station, District- Begusarai.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Bipin Kumar, Adv.
For the Respondent/s : Mr.M. Nasrul Huda Khan, SC-1

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

5 24-02-2023 The present writ petition has been filed seeking the
following reliefs:-

“1(i). For issuance of writ/writs in the nature
of mandamus certiorari for setting aside the
order dated 18.06.2022, passed in Arms
Appeal No.29 of 2022 by the Divisional
Commissioner, Munger, whereby and
whereunder the appeal against the order dated
17.03.2022 has been rejected and the order
dated 17.03.2022 passed in Memo No. 135 by
the District Arms Magistrate, Begusarai has
been affirmed.

(ii) For issuance of writ/writs in the nature of



mandamus commanding the Respondents to immediately grant fire arms license to the petitioner to save his life and properties.

(iii) For commanding the Respondents as to why the fire arms license in favour of the petitioner has not been issued as yet since the life and property of the petitioner is in danger.

(iv) For commanding the Respondents to immediately grant license of fire arms in favour of the petitioner for which this petitioner is highly needed.”

At the outset, the learned Senior Counsel for the petitioner has referred to paragraph no. 6 of the supplementary counter affidavit, which is reproduced herein below:-

“6. That the present licensing authority has joined his office on 12-05-2022. He has no jurisdiction to hear the petitioner afresh. Since his predecessor’s has already disposed off the application of arms license of the petitioner. However, it is respectfully submitted that if the petitioner files fresh application for arms license then the matter will be considered and decided by the present licensing authority Begusarai in accordance with the provisions laid down in State of Bihar vs. Deepak Kumar.”

In view of the aforesaid, the learned Senior Counsel



for the petitioner submits that the petitioner be granted liberty to file fresh application for grant of arms license before the Collector, Begusarai and he be directed to consider the application of the petitioner afresh in light of the judgment, rendered by the learned Division Bench of this Court in the case of State of Bihar & Ors. vs. Deepak Kumar, reported in 2019(1) PLJR 664, as also without being prejudiced by the order dated 17.03.2022, passed by the District Arms Magistrate, Begusarai as also the appellate order dated 18.06.2022, passed by the learned Divisional Commissioner, Munger, in Arms Appeal No. 29 of 2022.

Having regard to the facts and circumstances of the case, I deem it fit and proper to dispose off the present writ petition with liberty to the petitioner to file appropriate application for grant of arms license and in case, such an application is filed within a period of four weeks from today, the District Arms Licensing Authority/ Collector, Begusarai, shall consider the same and pass appropriate orders within a period of eight weeks, thereafter.

(Mohit Kumar Shah, J)

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