

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16978 of 2021

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Md. Ismail, Son of Late Md. Israfil, Resident of Mohalla - Bhaluhipur, P.S. - Arrah Town,
District - Bhojpur.

... .. Petitioner/s

Versus

1. The State of Bihar, through its Principle Secretary Home, Bihar, Patna.
2. The Divisional Commissioner, Patna.
3. The Collector - Cum - District Magistrate, Bhojpur at Arrah.
4. The Superintendent of Police, Bhojpur at Arrah.
5. The Arms Magistrate, Bhojpur at Arrah.
6. The S.H.O., Arrah Town, Arrah.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Md. Ataul Haque, Advocate
For the Respondent/s : Dr. Mankeshwar Tiwari, AC to AAG3

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

4 01-12-2023 Heard the parties.

2. This application has been filed for quashing of the order dated 04.09.2018 passed by the District Magistrate, Bhojpur at Arrah by which the Magistrate has rejected the application of the petitioner for grant of Arms Licence and the same has been affirmed by the order dated 12.08.2021 passed by the Divisional Commissioner, Patna and has submitted that there is no threat perception.

3. Learned counsel for the petitioner submits that petitioner is eligible to get the Arms Licence under heirloom



policy but the Arms Licence has been wrongly denied to the petitioner. Learned counsel for the petitioner has relied upon a judgment of a Division Bench of this Court in case of ***Mukesh Kumar Singh Vs. State of Bihar & Ors.*** reported in ***2020(3) BLJ 500*** and has submitted that his case is squarely covered by the aforesaid judgment.

4. Learned counsel for the State has supported the impugned order dated 04.09.2018 passed by the District Magistrate, Bhojpur at Arrah and the order dated 12.08.2021 passed by the Divisional Commissioner, Patna and has submitted that there is no threat perception therefore, the application of the petitioner for grant of Arms Licence has rightly been rejected.

5. I have considered the submissions of both the parties and also perused the materials available on record. The the impugned order dated 04.09.2018 passed by the District Magistrate, Bhojpur at Arrah and the order dated 12.08.2021 passed by the Divisional Commissioner, Patna are hereby quashed. The matter is remitted back to the District Magistrate, Bhojpur at Arrah for fresh consideration for grant of Arms Licence to the petitioner in accordance with law.

6. In case, the District Magistrate finds any defect/s,



in view of the new policy of heirloom for grant of Arms Licence, the petitioner shall be asked to remove the defect/s and thereafter he shall proceed in the matter.

7. With the aforesaid observation and direction, this application is disposed of.

8. Let a copy of this order be communicated to the District Magistrate, Bhojpur at Arrah for its compliance through FAX and e-mail forthwith.

(Sandeep Kumar, J)

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