

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11886 of 2023

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Kameshwar Prasad Srivastava Son of Late Sant Prasad Srivastava Resident of Village Kuchhila, P.S. Kuchhila (O.P.), District- Rohtas, At present- Chitransh, North of D.M. Kothi, Fazalganj, P.S. Sasaram Nagar, District- Rohtas at Sasaram.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Home, Government of Bihar, Patna.
2. The Principal Secretary, Department of Home, Government of Bihar, Patna.
3. The Divisional Commissioner-cum- Appellate Authority, Patna Division, Patna.
4. The District Magistrate, Rohtas at Sasaram.
5. The Superintendent of Police, Rohtas at Sasaram.
6. The District Arms Magistrate, Rohtas at Sasaram.
7. The Sub- Divisional Officer, Sasaram, Rohtas.
8. The Officer-in-Charge, Sasaram Nagar, District- Rohtas.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Babu Nandan Prasad, Advocate
For the Respondent/s : Mr.Md. Nadim Seraj, GP-5

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 04-12-2023 Heard the parties.

2. The present application has been filed for quashing the order dated 15.06.2023 passed in Arms Appeal No. 117 of of 2021 by the Divisional Commissioner-cum-Appellate Authority, Patna Division, Patna as well as order dated 26.03.2021 passed in Arms Case No. 02 of 2021 by the District Magistrate-cum-Arms Licensing Authority, Rohtas by which the application for arms licence of the petitioner has been rejected.



3. The only ground on which the application for grant of pistol/revolver has been rejected is that the petitioner possess one DBL gun. Learned counsel for the petitioner submits that it is not practically feasible to carry the DBL gun for his protection everywhere and for his protection, the petitioner needs a pistol/revolver for which he had applied for grant of arms licence.

4. It is an admitted position that the petitioner is having litigation with his brother and some criminal cases have also been filed by the petitioner against his brother which has been found true by the police. Learned counsel for the petitioner has also submitted that if the authorities grant him the licence for a pistol/revolver, he will surrender the licence of DBL gun.

5. The petitioner has also submitted that before making a fresh application for grant of pistol/revolver, he will undergo training and thereafter he will file a fresh application. In case, the petitioner files a fresh application with undertaking that he will surrender his arms licence of DBL gun after grant of licence of pistol/revolver and after undergoing training, as per Rule 18 of the Arms Act and the same shall be considered in accordance with law.

6. The order dated 15.06.2023 passed in Arms Appeal



No. 117 of of 2021 by the Divisional Commissioner-cum-Appellate Authority, Patna Division, Patna as well as order dated 26.03.2021 passed in Arms Case No. 02 of 2021 by the District Magistrate-cum-Arms Licensing Authority, Rohtas are quashed.

7. In these circumstances, the District Magistrate, Sasaram is directed to issue arms licence, in accordance with law, as prayed for by the petitioner within three months from the date of its filing.

8. With the aforesaid observation, this application is disposed of.

9. Let a copy of this order be communicated to the District Magistrate, Rohtas at Sasaram for its compliance through FAX or e-mail forthwith.

(Sandeep Kumar, J)

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