

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14162 of 2022

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Jeevan Kumar Son of Shri Shyam Nandan Prasad, Resident of Mohalla-
Station Road, Near- Gautam Hotel, Police Station- Kotwali in the District of
Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Home,
Old Secretariat, Patna.
2. The Divisional Commissioner, Magadh Division, Gaya.
3. The District Magistrate, Gaya.
4. The District Arms Licensing Authority, Gaya.
5. The Senior Superintendent of Police, Gaya.
6. The Deputy Superintendent of Police, Gaya Town, Gaya.
7. The Officer-in- Charge, Kotwali Police Station, Gaya.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Mukesh Kant, Advocate Mr. Anuj Kumar Mr. Aditya Pandey
For the Respondent/s	:	Mr. Prabhat Kumar Verma (Aag 3) Mr. Suman Kumar Jha, AC to AAG 3

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

6 18-12-2023 Heard the parties.

2. This application has been filed on behalf of the petitioner for quashing the order dated 04.08.2022 passed by the Divisional Commissioner, Magadh Division, Gaya in Arms Appeal No. 53 of 2022 as well as for quashing the order dated 23.10.2018 passed by the District Magistrate, Gaya in Arms Case No. 98 of 2017.

3. The contention of the petitioner is that despite valid recommendations in favour of the petitioner for grant of



arms license, his application for grant of arms license has been rejected by the District Magistrate, Gaya and the same has been affirmed by the Divisional Commissioner, Magadh Division, Gaya in appeal.

4. Learned counsel for the petitioner further submits that he is running a hotel opposite to Gaya Junction which is open 24 hours and because of the threat during night, he has applied for the arms license.

5. Learned counsel for the petitioner also submits that his case is squarely covered by the Judgment of this Court passed in the *C.W.J.C. No. 10784 of 2021 (Vijay Kumar Singh Vs. State of Bihar and Ors)* and in view of the law laid down by this Court, the petitioner is entitled to get the arms license.

6. Learned counsel for the State Mr. P.K. Verma opposed the application of the petitioner by contending that there is no threat perception to the petitioner and every businessman of the society cannot be granted arms license for his protection as the same will encourage gun culture.

7. I have considered the submission of both the parties.

8. So far as the impugned orders are concerned, this Court will not interfere with them but the petitioner is given



liberty to apply for the arms license afresh under the new Rules and if a fresh application is filed by the petitioner and the District Magistrate, Gaya finds any substance in the application of the petitioner then he will consider the same in accordance with law and dispose of the same within six months of its filing. While considering the application of the petitioner, the District Magistrate will also consider the law laid down by this Court in its Judgment passed in ***C.W.J.C. No. 10784 of 2021 (Vijay Kumar Singh Vs. State of Bihar and Ors.***

9. With the aforesaid directions, this application is disposed of.

(Sandeep Kumar, J)

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