

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12408 of 2023

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Sujit Kumar Upadhyay S/o Ram Ayodhya Upadhyay, R/o Village-
Chakrahasi, P.S.- Buxar (Mufassil), District- Buxar at present E-44, D.M.
Colony, Cantt, District- Varanasi (Uttar Pradesh).

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Home Department,
Patna, Bihar.
2. The Divisional Commissioner, Patna Division, Patna.
3. The District Magistrate-cum-Licensing Authority, Buxar.
4. The District Arms Magistrate, District- Buxar.
5. The Superintendent of Police, Buxar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Samrendra Kumar Jha, Advocate
For the Respondent/s : Mr. Sheo Shankar Prasad, SC-8

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3 28-11-2023 Heard the parties.

2. The present application has been filed for quashing
the order dated 15.06.2023 passed by the Divisional
Commissioner, Patna in Arms Appeal No. 1/2022 as well as
order dated 07.10.2021 passed in Case nos. 20 of 2018 and 21
of 2018 by the District Magistrate-cum-Licensing Authority,
Buxar by which the application for arms licence of the petitioner
has been rejected.

3. The father of the petitioner was killed. The



petitioner had applied for arms licence. The same has been rejected saying that the petitioner is working in Varanasi and, therefore, he does not require arms licence. The order rejecting the arms licence dated 07.10.2021 has been affirmed by the Commissioner. In most of the cases, for grant of arms licence, the authorities say that there is no threat to the applicant. Here is a case where the applicant's father has been murdered and now the authorities have denied him licence also.

4. The impugned order passed by the Collector dated 07.10.2021 and the appellate order passed by the Divisional Commissioner, Patna dated 15.06.2023 in my opinion are illegal and cannot be sustained. They have failed to consider the relevant facts for grant of arms licence including the threat perception and the report of the Superintendent of Police concerned who had recommended for grant of Arms licence to the petitioner.

5. The order dated 15.06.2023 passed by the Divisional Commissioner, Patna in Arms Appeal No. 1/2022 and order dated 07.10.2021 passed in Case No. 20 of 2018 and 21 of 2018 by the Collector, Buxar are quashed.

6. In these circumstances, the District Magistrate, Buxar is directed to issue arms licence as prayed for by the



petitioner within four weeks from the date of communication of this order.

7. The application stands disposed of.

(Sandeep Kumar, J)

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