

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18729 of 2019

Abhishek Kumar Singh S/o Bipin Bihari Singh Resident of Village-
Kaithwalia, P.s.- Gopalganj Town, Distt.- Gopalganj

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna
2. The Chief Secretary Govt. of Bihar, Patna
3. The Commissioner Saran Division, Saran at Chapra
4. The District Magistrate Gopalganj
5. The Superintendent of Police Gopalganj
6. The Sub-Divisional Police Station Sadar, Gopalganj
7. The S.H.O. Town P.S., Gopalganj

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar, Adv.
For the Respondent/s : Mr.Md.Nadim Seraj (GP5)

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3 01-12-2023 Heard the parties.

2. This application has been filed for quashing of the order dated 07.05.2019 passed by the Commissioner, Saran Division, Saran at Chapra in Arms Appeal No. 159 of 2017 by which the Commissioner has rejected the application of the petitioner and also for quashing of the order dated 09.02.2016 passed by the District Magistrate, Gopalganj in Arms Case No. 73 of 2016 by which the District Magistrate has rejected the application of the petitioner for grant of Arms Licence.

3. From the impugned order dated 07.05.2019 passed by the Commissioner, Saran Division, Saran at Chapra in Arms



Appeal No. 159 of 2017 and the original order dated 09.02.2016 passed by the District Magistrate, Gopalganj in Arms Case No. 73 of 2016, it appears that the authorities have not considered the report of the police while considering the application of the petitioner for grant of Arms Licence. The local S.H.O had recommended for grant of Arms Licence seeing the threat perception against the petitioner.

4. In the opinion of this Court, it is the report of the local S.H.O which should weigh in the mind of the District Magistrate, Gopalganj and by merely writing that there is no threat perception, he cannot deny grant of Arms Licence to the petitioner. It is the contention of learned counsel for the petitioner that petitioner owns around 25 bighas of land, is under constant threat from the criminals and he is a cashier in a Bank and hence, he needs pistol for his own safety.

5. In view of the aforesaid facts, this application is allowed. The impugned order dated 07.05.2019 passed by the Commissioner, Saran Division, Saran at Chapra in Arms Appeal No. 159 of 2017 and the original order dated 09.02.2016 passed by the District Magistrate, Gopalganj in Arms Case No. 73 of 2016 are hereby quashed and the matter is remitted back to the the District Magistrate, Gopalganj for fresh consideration, in



view of the observation made above.

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

(Sandeep Kumar, J)

Harsh/

U			
---	--	--	--

