

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15693 of 2023

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Anil Kumar Pandey Son of Late Ram Kripal Pandey, resident of Village -
Geruabandh, P.O. - Basantpur, P.S. - Itarhi, District - Buxar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Bihar, Patna.
2. The Divisional Commissioner, Patna Division, Patna.
3. The District Magistrate, District - Buxar.
4. The Superintendent of Police, Buxar, District - Buxar.
5. The Office-in-charge, Police Station - Buxar, (Town) District - Buxar.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Ramchandra Singh, Advocate
For the Respondent/s	:	Mr. Sheo Shankar Prasad (Sc8)

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 14-12-2023 Heard the learned counsel for the parties.

2. The petitioner is aggrieved by the order dated 08.09.2022 passed by the District Magistrate cum Arms Magistrate, Buxar in Arms Case No. 10/2022 by which his arms license has been cancelled and he is also aggrieved by the order of the Revisional Commissioner, Patna in Arms Appeal No. 333/2022 dated 13.06.2023 by which the order of the District Magistrate cum Arms Magistrate, Buxar has been affirmed by the Divisional Commissioner, Patna Division, Patna.

3. Learned counsel for the petitioner submits that



only ground on which the arms license of the petitioner has been cancelled is that he was accused in Buxar Town P.S. Case No. 222 of 2022 in which he has been acquitted by the trial court vide judgment dated 17.10.2022 by the Judicial Magistrate, 1st Class.

4. While dismissing the appeal, the Divisional Commissioner, Patna Division, Patna has not taken notice of this fact though this document was filed before him.

5. In view of the above, this application is allowed and the order of the Divisional Commissioner, Patna Division, Patna dated 13.06.2023 passed in Arms Appeal No. 333 of 2022 is set aside and the matter is remitted back to the Divisional Commissioner, Patna Division, Patna for reconsideration in accordance with law and particularly in view of the fact that the petitioner has been acquitted in the case on the basis of which his arms license was cancelled.

6. The Divisional Commissioner, Patna Division, Patna will pass a reasoned order within three months after hearing the petitioner and after considering that the basis for cancellation of the arms license now does not exists.

7. Let a copy of this order be communicated to the Divisional Commissioner, Patna Division, Patna through FAX



for its compliance forthwith.

8. With the aforesaid observation and direction, this application is allowed.

(Sandeep Kumar, J)

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