

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2426 of 2024

Chandan Prakash Son of Sri Madan Mohan @ Madan Mohan Roy Resident of Narayani Vatika, Central Jail Road, Sumeshwar Asthan, P.S.- Model Town Thana Buxar, District- Buxar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Home Secretary, Government of Bihar.
2. The Divisional Commissioner, Patna Division, Patna.
3. The District Magistrate, Buxar.
4. The Superintendent of Police, Buxar.
5. The Additional District Magistrate (Arms), Buxar.
6. The District Arms Magistrate, Buxar.
7. The Sub-Divisional Officer, Paliganj, Buxar.
8. The S.H.O. Model Town Thana, Buxar.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Manisha Pandey
For the Respondent/s : Mr.Standing Counsel (7)

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 26-02-2024 This application has been filed for setting aside the order dated 03.11.2023 passed in Case No. 596 of 2023 and 579 of 2023 by the District Magistrate, Buxar by which the petitioner's application for grant of arms license has been rejected.

2. It has been submitted by the learned counsel for the petitioner that earlier the petitioner had moved this Court in C.W.J.C. No. 508 of 2023 and the same was disposed on 29.03.2023.

3. The order of this court dated 29.03.2023 passed



in C.W.J.C. No. 508 of 2023 reads as follows:-

“The present writ petition has been filed seeking the following relief:-

“1. That this writ application is being filed for directing the respondents authorities especially the District Magistrate, Buxar (Respondent No. 2) to take a final decision on the application filed by the petitioner for grant of N.P.Bore Rifle license and N.P.Bore Pistol license, to direct the District Magistrate (Respondent No. 2) to grant arms license under Rule 25 of the Arms Rule as well as Arms Act, 1959 and other relief or reliefs to which the petitioner is found entitled during the course of hearing of the writ application.”

At the outset, the learned counsel for the petitioner submits that since the application for grant of arms license was filed in the year, 2012, and now the new Arms Rules, 2016 have come into force, the petitioner be granted liberty to file a fresh application for grant of arms license, after complying with the requisite formalities, as prescribed in the new Arms Rules, 2016, however, seeks a direction upon the District Magistrate, Buxar, to dispose off the same, within a fixed time frame.

Having regard to the facts and circumstances of the case, I deem it fit and proper to grant liberty to the petitioner to file a fresh application for grant of arms license, after complying with the prescribed formalities, as contained in the new Arms Rules, 2016 and in case, such an application is filed before the District Magistrate, Buxar, within a period of four weeks from today, the same shall be disposed off, by passing a reasoned and a speaking order, in accordance with law, within a



period of six weeks, thereafter.

The writ petition stands disposed off on the aforesaid terms.”

4. Thereafter the petitioner has moved the District Magistrate, Buxar by submitting relevant documents and he has submitted that his application for grant of license under Heirloom Policy has been rejected and without considering the direction of this Court and the District Magistrate was prejudiced because the petitioner had moved this for grant of arms license under the Heirloom Policy.

5. The petitioner has also submitted that the District Magistrate, Buxar in the impugned order has not considered the judgment of this Court in the case of ***Mukesh Kumar Singh vs State of Bihar & Ors; (2019) SCC OnLine Pat 3352.***

6. It appears that in the impugned order dated 03.11.2023, the District Magistrate, Buxar has quoted certain provisions of the Arms Act but has rejected the application of the petitioner without discussing the Heirloom Policy and without discussing the law laid down by this court in the case of ***Mukesh Kumar Singh (Supra).***

7. In these circumstances, the impugned order dated 03.11.2023 passed in Case No. 596 of 2023 and 579 of 2023 by the District Magistrate, Buxar is hereby set aside and



the matter is remitted back again to the District Magistrate, Buxar with a direction that the application of the petitioner shall not be considered mechanically but after hearing the petitioner and after considering the arguments of the petitioner and after considering the law laid down by this Court in the case of ***Mukesh Kumar Singh (Supra)***.

8. If a citizen moves this Court for redressal of his grievances then that cannot prejudice the case of the citizen. The District Magistrate, Buxar should be careful in the future and pass an order in accordance with law after hearing the petitioner.

9. The entire exercise must be completed within three months from today.

10. This application stands allowed.

(Sandeep Kumar, J)

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