

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2574 of 2024

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Rajeev Nandan Pandey @ Rajib Nandan Pandey S/o Aswani Kumar Pandey,
resident of Village-Dahiya, P.S.-Bounsi, District-Banka.

... .. Petitioner/s

Versus

1. The State of Bihar through the Home Secretary, Govt. of Bihar.
2. The District Magistrate, Banka.
3. The Divisional Commissioner, Munger Division, Munger.
4. The Additional District Magistrate, Banka.
5. The District Arms Magistrate, Banka.
6. The Sub Divisional Officer, Banka.
7. The Sub Divisional Police Officer, Banka.
8. The Superintendent of Police, Banka.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Manisha Pandey
For the Respondent/s : Mr.Government Advocate 13

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 28-02-2024 This is an application for setting aside the order contained in Memo No. 155/Arms Patna, dated 19.06.2023 passed in Arms Case No. 16/201/2022-23 of the District Magistrate, Banka by which the application for addition of arms license in existing N.P. Bore Rifle License bearing 16-5/2001 has been rejected.

2. By the order dated 20.02.2022, the application for addition in existing arms license holding a pistol/revolver has been rejected. The rejection is on a number of ground.

3. The learned counsel for the petitioner has



assailed the rejection and has submitted that there is no complain of misuse of arms which he holds and as per Rule 18 of the rules, the addition has to be done within seven days.

4. He also submits that once he has been granted arms license earlier, there is no need of police verification afresh if he wants another arms license. He also submits that the finding of the District Magistrate that people belonging to *Tatwa* Caste, *Mandal* Caste and *Santhal* Scheduled Tribes are staying in the village who belong to weaker sections of the society and, therefore, to protect the peace and tranquility of the village, the separate license for pistol is not required to be given to the petitioner is illegal.

5. In my opinion, this kind of consideration is perverse and the impugned order cannot be sustained.

6. This application is allowed and the Memo No. 155/Arms Patna, dated 19.06.2023 passed in Arms Case No. 16/201/2022-23 of the District Magistrate, Banka is hereby quashed with a direction to the District Magistrate to consider the application of the petitioner afresh in accordance with the Arms Act and Rules and the judgment passed in favour of the petitioner by this Court in C.W.J.C. No. 14175 of 2018.

7. The consideration must be done within two



months from the date of receipt/production/communication of a copy of this order after hearing the petitioner.

8. This application stands allowed.

(Sandeep Kumar, J)

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