

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1997 of 2017

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Nand Kumar Singh S/o late Ram Sakal Singh Resident of Village- Mahathin
tola, P.O.- Baligov, P.S. Ayar, District- Bhojpur.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The District Magistrate, Bhojpur at Arrah.
3. Divisional Commissioner, Patna Division , Patna.
4. District Arms Magistrate, Bhojpur at Arah.
5. Additional District MagistrateArms, Bhojpur at Arah.
6. The Superintendent of Police, Bhojpur at Ara.
7. Circle Inspector of Police, Jagdishpur, Bhojpur, Ara.
8. Sub -Divisional Police Officer, Jagdishpur, Bhojpur at Ara. null null
9. S.H.O. , Ayar, District- Bhojpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Deepak Kumar, Advocate Ms. Manisha Pandey, Advocate
For the Respondent/s	:	Mr. Md.Nadeem Seraj, G.P-5

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

4 28-02-2024 In this case, the petitioner is challenging the order

dated 13.10.2016 passed by the District Magistrate, Bhojpur at

Ara, whereby he has rejected the application filed by the

petitioner for grant of arms license.

2. The order dated 28.03.2016 passed in

C.W.J.C. No.5363 of 2016 reads as under:-

“Heard parties.

*Petitioner seeks quashing of the order
dated 30.12.2015 passed by the District*



Magistrate-cum-Licensing Authority, Bhojpur at Ara in Arms case no. 88/2015, by which, his application for grant of firearm licence has been rejected. Petitioner was already granted licence by the S.D.O. Sadar Patna bearing licence no. 13/89 for holding firearms. However, it appears that there was some amendment brought under Arms Act on 24.01.1989, according to which, the S.D.O. Patna did not have power to issue licence.

In above view of the matter, the licence of the petitioner and many other similarly situated persons became invalid. Such matter was contested in other cases also and finally the same has been set at rest by a decision of this Court passed in CWJC no.782 of 2009 (Md. Hamid Ansari v. State of Bihar and others contained at Annexure-3 series, in which, this Court had directed the District Magistrate, Rohtas to take a decision upon the applications being made by the petitioners afresh on its own merit and in accordance with law ignoring the past controversies.

Now, an order has been passed in the present matter rejecting the application taking a ground that the petitioner has not been able to produce any specific evidence regarding threat perception.

In my view, such ground is not available for refusal, as the issue is no longer res integra, the same having been considered and decided in



Manish Kumar Vrs. State of Bihar) and other analogous cases [AIR 2016 Pat 9] holding that lack of specific evidence regarding threat perception does not form a ground for refusal of licence under Section 14 of Arms Act, 1959. That apart, there cannot be a presumption that a firearm in the hand of a law abiding citizens would be detrimental to public peace and safety. Thus, unless the applicant is found involved in criminal cases of serious nature or there is something on record raising fingers upon his character and conduct, the recourse of Section 14 (1b)(ii) cannot be taken for rejecting his request for grant of licence without assigning any reason as to how the licensing authority has come to such conclusion.

Accordingly, the order impugned is quashed and set aside. The matter is remitted back to the Licensing Authority for taking a fresh decision on its own merit and in accordance with law expeditiously, preferably, within a period of four months from the date of receipt/ production of a copy of this order.”

3. Thereafter, the District Magistrate, Bhojpur at Ara has again rejected the application of the petitioner for grant of arms license. There is no whisper or consideration of the order dated 28.03.2016 passed in C.W.J.C. No.5363 of 2016. Non consideration of the above directions of this Court seems to be contemptuous. The petitioner cannot be made to approach



this Court again and again because the respondent authorities either do not understand the orders of this Court or have no respect for the orders of this Court. The reason for rejection of the application of the petitioner by the then District Magistrate, Bhojpur at Ara are not in accordance with the directions of this Court passed in C.W.J.C. No.5363 of 2016 and in C.W.J.C. No.782 of 2009 (*Md. Hamid Ansari v. State of Bihar and Others*).

4. In view of the aforesaid, this application is allowed. The impugned order dated 13.10.2016 passed by the District Magistrate, Bhojpur at Ara is hereby quashed. The District Magistrate, Bhojpur at Ara shall reconsider the application of the petitioner for grant of arms license in accordance with directions of this Court passed in C.W.J.C. No.5363 of 2016 and in C.W.J.C. No.782 of 2009 (*Md. Hamid Ansari v. State of Bihar and Others*), as stated above, within two months from the date of receipt/production of a copy of this order after hearing the petitioner.

5. The State will pay a cost of Rs.10,000/- for creating unnecessary litigation. The cost must be deposited in the Patna High Court Legal Services Committee within four weeks from today. The State may recover the cost from the then



District Magistrate, Bhojpur at Ara, who has passed the
impugned order.

(Sandeep Kumar, J)

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