

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7023 of 2023

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Bipin Prasad Chaudhary @ Bipin Kumar Chaudhary, son of late Bhola Prasad Chaudhary, Resident of Village - Garhirampur, P.S.-Naya Ramnagar, District-Munger.

... .. Petitioner

Versus

1. The State of Bihar through Secretary of the Home Department, Patna.
2. The Divisional Commissioner, Munger.
3. The District Magistrate, Munger.
4. The District Arms Magistrate, Munger.
5. The Superintendent of Police, Munger.
6. The Sub-Divisional Police officer, Sadar, Munger.
7. The Officer-in-Charge of Police Station, Naya Nagar, District- Munger.

... .. Respondents

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Appearance :

For the Petitioner	:	Mr. Deepak Kumar, Advocate
For the Respondents	:	Mr. P.K. Verma, AAG-3
		Mr. Mankeshwar Tiwari, A.C. to AAG-3

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3 02-01-2024

Heard the parties.

2. In this case, the petitioner is challenging the order dated 10.11.2022 passed by the Divisional Commissioner, Munger, in Arms Appeal Case No.87 of 2017, whereby and whereunder the Divisional Commissioner has dismissed the appeal and affirmed the order dated 25.09.2017 passed by the District Magistrate, Munger, by which he has cancelled the DBBL gun license of the petitioner.

3. Learned counsel for the petitioner has submitted that a false case was registered against the wife and



other family members of the petitioner for using the licensed DBBL gun of the petitioner and the police after investigation submitted final form exonerating the wife of the petitioner. He has further submitted that the F.S.L. report is also not conclusive whether the gun was used in the occurrence or not.

4. It has also been argued by learned counsel for the petitioner that no bullet has been recovery from the place of occurrence to connect the DBBL gun of the petitioner with the alleged crime and the petitioner is working as an A.S.I. and he is not accused of misusing the fire arms. It has further been argued that the impugned order dated 25.09.2017 passed by the Collector, Munger is not a reasoned order. It has also been argued that all these submissions, which have been advanced before this Court, have not been considered either by the District Magistrate or by the Divisional Commissioner.

5. Considering the aforesaid submissions, this application is allowed and the impugned order dated 10.11.2022 passed by the Divisional Commissioner, Munger, in Arms Appeal Case No.87 of 2017 and the order dated 25.09.2017 passed by the District Magistrate, Munger are hereby quashed. The District Manager, Munger is directed to consider the case of the petitioner afresh and after hearing the petitioner and after



considering all the submissions of the petitioner pass a reasoned
order in accordance with law.

(Sandeep Kumar, J)

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