

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12306 of 2018

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Santosh Singh @ Santosh Kumar Singh @ Santosh Kumar Son of Ram
Bachan Singh Resident of Village - Sabalpur Behra, Police Station - Udwant
Nagar, District - Bhojpur.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The District Magistrate, Bhojpur, Ara.
3. The Superintendent of Police, Bhojpur.
4. The Commissioner, Patna Division, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Anant Kumar Pandey, Adv. Mr. Ashok Kumar Singh, Adv.
For the Respondent/s	:	Mr.Manish Kumar, AC to GP-4

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 31-08-2024 The present writ petition has been filed seeking the
following reliefs:-

“1(i). For issuance of writ, order and direction
for quashing the order dated 02.05.2017
(Annexure- 10), passed by the Commissioner,
Patna Division, Patna, in Arms Appeal No. 332
of 2014, whereby and whereunder he has
rejected the Arms Appeal of the petitioner and
thereby, affirmed the order dated 20.09.2013/
28.01.2014 (Annexure-5) of the District
Magistrate, Bhojpur, passed in Cr. Misc. Case
No. 08 of 2011.

(ii). Further relief prayed for is to direct for
release of the arms to the petitioner, vide Arms
(Rifle) No. AB.05-12790 (arsing out of Arms



License No. 37 of 2006).”

2. At the outset, the learned counsel for the petitioner submits that the learned Commissioner, Patna Division, Patna, has rejected the appeal, filed by the petitioner, bearing Arms Appeal No. 332 of 2014, vide order dated 2.5.2017, only on the ground that the brother of the petitioner had used his arms on 18.4.2009, leading to death of a person and injury to one another person, resulting in lodging of an FIR bearing Charpokhari P.S.Case No. 41 of 2009, under Sections 304, 326/34 of the Indian Penal Code and Section 27 of the Arms Act, in which the petitioner is also an accused, however, it is pointed out that the learned Court of Additional Sessions Judge VI, Bhojpur at Ara, by a judgment dated 6.2.2018, passed in Sessions Trial No. 52 of 2016 (arising out of Charpokhari P.S.Case No. 41 of 2009), has acquitted the petitioner and other accused persons. In such view of the matter, it is submitted that the learned Commissioner, Patna Division, Patna, be directed to re-consider the order dated 02.05.2017, passed on the appeal, filed by the petitioner.

3. Having regard to the facts and circumstances of the case and considering the fact that the petitioner has stood acquitted in the aforesaid criminal case, I deem it fit and proper to grant



liberty to the petitioner to file appropriate petition, in the
aforesaid Arms Appeal No. 332 of 2014, raising additional
grounds, before the learned Commissioner, Patna Division,
Patna, within a period of four weeks from today, which shall be
considered by the learned Commissioner, Patna Division, Patna,
in accordance with law and a reasoned and a speaking order
shall be passed thereon, forthwith.

4. Accordingly, the present writ petition stands disposed off
on the aforesaid terms.

(Mohit Kumar Shah, J)

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