

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13703 of 2017

Niraj Kumar son of late Bimal Charan Shandilya resident of village -
Mirjapur, Post Office - Bhagwanpur, Police Station - Hulasganj, District
Jehanabad.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Commissioner, Magadh Division, Gaya.
3. The District Magistrate cum District Arms Magistrate, Jehanabad.
4. The Superintendent of Police, Jehanabad.
5. The Sub Divisional Superintendent of Police, Jehanabad.
6. The Sub Divisional Officer, Jehanabad.
7. The Officer In Charge, Jamhor Police Station, District Jehanabad.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Anil Kumar, Advocate Mr. Chhote Lal Mishra, Advocate Mrs. Archana Jha, Advocate
For the Respondent/s	:	Mr. GA 4

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

- 6 11-01-2024 1. This application has been filed for quashing the order dated 30.03.2017 passed by the Commissioner, Magadh Division, Gaya in Arms Appeal No. 47 of 2016 whereby and where under the claim of the petitioner has been rejected and further quashing the order dated 24.02.2016 passed by the District Magistrate, Jehanabad in Arms Case No. 48 of 2015.
2. The application for grant of arms license has been cancelled on the ground that there is no danger to the petitioner



though the petitioner had produced certain documents to show that *Maobadi* communist party had threatened the petitioner and the police reported that no untoward incident has been taken place. The authorities must consider the fact that they will not wait for some incident to take place and then only they will consider the application of the petitioner.

3. Learned counsel for the State has opposed the application and has submitted that finding no danger to the petitioner, the application of the petitioner for grant of arms license has rightly been rejected by the District Magistrate, Jehanabad by the impugned order dated 24.02.2016 which has been affirmed by the Commissioner, Magadh Division, Gaya by his order dated 30.03.2017.

4. Considering the facts of the case and also considering the threat to the petitioner, I am of the view that his application should be considered afresh and the matter is remitted back to the District Magistrate, Jehanabad for reconsideration of the application of the petitioner for grant of license and decide the same after hearing the petitioner within three months.

5. If there is any deficiency in document in the initial application then the same shall be removed by the petitioner on the direction of the office of the District Magistrate.



6. With the aforesaid observation and direction, this application is disposed of.

(Sandeep Kumar, J)

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