

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16662 of 2023

Roushan Pathak @ Raushan Kumar Pathak Son of Sri Harivansh Pathak,
resident of Naveen Colony, P.S.-Muffasil, District-Bettiah, West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Home Secretary, Government of Bihar.
2. Divisional Commissioner, Saran Division, Chapara.
3. District Magistrate, Bettiah, West.
4. Superintendent of Police, Bettiah, West Champaran.
5. Additional District Magistrate (Arms), Bettiah, West Champaran.
6. District Arms Magistrate, Bettiah, West Champaran.
7. Sub-divisional Officer, Bettiah, West.
8. S.H.O. Muffasil Police Station, District-Bettiah, West Champaran.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Manisha Pandey, Adv
For the Respondent/s : Mr.Manish Kumar (Gp 4)

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3 05-04-2024 Heard learned counsel for the petitioner and learned
counsel for the State.

2. In the instant writ petition, petitioner has prayed for
the following relief:-

(i) For issuance of appropriate writ/ orders/ directions to respondents to act upon the representation dated 30.08.2023 filed by the petitioner before the district Magistrate cum Licensing authority, West Champaran ie. the respondent no. 3 herein.

(ii) For that the Arms application of the petitioner for grant of revolver/ pistol license has been



pending before the District Magistrate, Champaran, beyond the time frame in terms of Rule 13 and 14 of the Arms Rule , 2016.

(iii) For that the learned Single Judge of the Hon'ble Patna High Court held by the Hon'ble Mr. Justice R. S Garg on the issue of disposal of Arms Applications is a case of Rishi Kant Chaubey Vs. State of Bihar and others as well as Division Bench of the Hon'ble Patna High Court in a case of Dwivedi Surendra Vs. State of Bihar and others.

(iv) For that the pending arms application for an indefinite period are in conflict with the aforesaid judgments and the respondents cannot take plea that they are not aware as to what judgments talks about and warned to the District Magistrates/ Superintendents of Police of the concerned District, if they are sitting on arms applications beyond the time limit as two months.

3. A Supplementary affidavit has been filed by the petitioner which is taken on record. It has been submitted by



the learned counsel for the petitioner that while dismissing the application for grant of Arms License on 10.02.2024, the District Magistrate, Bettiah has not consider the FIR of Ram Nagar P.S.Case No. 599 of 2022 dated 22.12.2022 registered under sections 384, 387 of the Indian Penal Code. which has been registered by the petitioner's father against one Chandrashekhar Singh, who has demanded Rs. 20 lacs as extortion and had threatened to kill the entire family, if the informant did not pay the extortion money.

4. On going through the impugned order I find substance in the submission of learned counsel for the petitioner that the impugned order has been passed without considering the FIR bearing Ram Nagar P.S.Case No. 599 of 2022 registered by the father of the petitioner.

5. In these circumstances, this application is allowed. Accordingly, the impugned order dated 10.02.2024 passed by the District Magistrate, Bettiah is quashed. The matter is remitted back to the District Magistrate, Bettiah for fresh consideration keeping in mind the FIR filed by the father of the petitioner, as stated above. The District Magistrate shall pass a fresh order as directed above on or before 31 st July 2024 in accordance with law after hearing the petitioner and also



considering the allegation made in the FIR.

7. The application is allowed.

(Sandeep Kumar, J)

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