

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.647 of 2023

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Ravi Kishore @ Vikash Kumar @ Bikash Kumar Son of Late Narayan Prasad Singh, Resident of Village/P.O.- Chandpura, P.S.- Neema Chandpura, District- Begusarai.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Home Department, Bihar, Patna.
2. The Divisional Commissioner, Munger.
3. The District Magistrate, Begusarai.
4. The Superintendent of Police, Begusarai.
5. The Sub Divisional Police Officer, Begusarai, District- Begusarai.
6. The Police Inspector, Sadar Anchal, Begusarai, District- Begusarai.
7. The SHO, Neema Chandpura Police Station, District- Begusarai.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Kumar Lalit
For the Respondent/s : Mr.P.K. Verma (Aag3)

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

4 09-01-2024 Heard the parties.

2. This application has been filed on behalf of the petitioner for quashing the order issued under Memo No. 278 dated 30.12.2020 passed by the District Magistrate, Begusarai by which the District Magistrate has cancelled the Arms License No. 03 of 2007 and also for quashing the order dated 27.08.2022 passed by the Divisional Commissioner, Munger in Arms Appeal No. 03 of 2021.

3. It has been submitted by the learned counsel for the petitioner that the impugned order dated 30.12.2020 by



which the Arms license of the petitioner has been cancelled has been passed on *non est* grounds.

4. He further submits that the District Magistrate has not considered the fact that a dacoiti was committed in the business premises of the petitioner and the petitioner therefore was given Arms license. Some cases have been mentioned in the impugned order but the learned counsel for the petitioner submits that he is accused in serial number 1 and 2 of the list of cases which have been registered against him by the nephew of the petitioner due to his family and property disputes and there is no allegation of misuse of the licensed arms by the petitioner.

5. Learned counsel for the petitioner has further relied upon a report of the Police Inspector, Sadar, Begusarai and as per him the same is in support of the petitioner.

6. I have heard and considered the submission of the parties.

7. A citizen who was granted arms license considering the threat to his life and property and also considering the fact that dacoiti was committed in his business premises cannot be denied the arms license merely because of the fact that some cases have been filed by his nephew and too not under the Arms Act.



8. In these circumstances, the order issued under Memo No. 278 dated 30.12.2020 passed by the District Magistrate, Begusarai and the order dated 27.08.2022 passed by the Divisional Commissioner, Munger in Arms Appeal No. 03 of 2021 are hereby quashed with a direction to the District Magistrate, Begusarai to consider the case of the petitioner afresh in accordance with law. The District Magistrate is also directed to consider all the points raised by the petitioner and thereafter take a decision in the matter and the aforesaid exercise must be completed within three months from the date of receipt/communication of a copy of this order.

9. With the aforesaid directions, this application stands allowed.

(Sandeep Kumar, J)

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