

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17329 of 2023

Sanjeev Kumar Son of Late Vrinda Kumar Sinha, Resident of -Bhoothnath
Road Bahadurpur, P.S.- Agamkuan, District- Patna, PIN-800023.

... .. Petitioner/s

Versus

1. The State of Bihar through the Home Secretary Government of Bihar.
2. The Divisional Commissioner, Patna, Division, Patna.
3. The District Magistrate, Patna.
4. The Senior Superintendent of Police, Patna.
5. The Additional District Magistrate, (Arms), Patna.
6. The District Arms Magistrate, Patna.
7. The Sub-Divisional Officer, Patna City.
8. The S.H.O. Agamkuan Police Station, District- Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Manisha Pandey
For the Respondent/s	:	Mr.Md. Nadim Seraj (Gp5)

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

5 18-03-2024 Heard the parties.

2. This application has been filed on behalf of the petitioner who has prayed for the following relief as quoted under:-

(i) To take decision with regard to issuance of N. P. Bore rifle license under the provision of a rule 25(1)a of the Arms Rule 2016 and Arms act 1959.

ii) To take a final decision on the Arms application filed by the petitioner for grant of a N.P. Bore rifle license under family heirloom policy, to direct the district magistrate, respondent No. 2 to grant and arms license.

iii) For issuance of appropriate writ/orders/ directions to respondents to act upon the representation dated 16.09.2023 filed by the petitioner before the district magistrate-cum-



licensing authority Patna i.e. the respondent No. 3 herein.

iv) For that the Arms application of the petitioner for grant of rifle license has been pending before the district magistrate, Patna, beyond the time frame in terms of Rule 13 and 14 of the Arms Rule, 2016.

v) For that the Learned single judge of the Hon'ble Patna High Court held by Hon'ble Mr. Justice R.S.Garg on the issue of disposal of Arms Applications in a case of Rishi Kant Chaubey Vs. State of Bihar and others as well as Division Bench of the Hon'ble Patna High in a case of Dwivedi Surendra Vs. State of Bihar and Others.

3. Supplementary affidavit and the Interlocutory Application filed on behalf of the petitioner and the same is taken on record.

4. Though, the petitioner's father was resident of Nalanda and the license was issued in the name of the father of the petitioner by the District Magistrate, Patna because Nalanda was a part of the Patna District on the date of issuance of Arms license to the father of the petitioner.

5. The petitioner's father passed away and after the death of the father of the petitioner, he submitted an application before the District Magistrate, Patna for deposit of arms license



in Nalanda. The license in the name of the deceased father of the petitioner was cancelled. Thereafter, the petitioner applied for grant of arms license under the heirloom policy which has been rejected by the impugned order passed by the District Magistrate, Patna saying that the arms license was issued from the outside district and therefore the District Magistrate, Patna cannot issue the license.

6. Learned counsel for the petitioner has submitted that the District Magistrate, Patna has rejected the application of the petitioner for grant of arms license without any application of mind saying that the license was issued from the outside district therefore the petitioner is not eligible for the same.

7. Learned counsel for the State, Mr. Nadim Siraj has submitted that the impugned order has been passed by the District Magistrate, Patna is legal and it may not be interfered with and if the petitioner wants, he may prefer an appeal.

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

9. From the examination of the arms license which was issued in the name of the father of the petitioner, it is not in dispute that the arms license was issued by the District Magistrate, Patna.



10. In these circumstances, the finding of the District Magistrate, Patna that the arms license was issued from the outside district is perverse and the same cannot be sustained.

11. Accordingly, this application is allowed and the memo no. 310 dated 23.01.2024 issued by the District Magistrate, Patna is hereby quashed.

12. The matter is remitted back to the District Magistrate, Patna for fresh consideration upon the application of the petitioner filed under Section 25 of the heir-loom policy. While considering the application of the petitioner, the judgment of this Court passed in the case of ***Mukesh Kr. Singh Vs State of Bihar and Ors. 2019 SCC OnLine Pat 3352*** shall also be examined by the District Magistrate, Patna and a fresh order shall be passed after hearing the petitioner by the end of July, 2024.

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

(Sandeep Kumar, J)

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