

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.17379 of 2023**

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Md. Abdullah Son of Late Md. Mustafa @ Md. Mustafa Khan Resident of  
Raja Bazar Bihiya, P.O. and P.s.-Bihiya, District-Bhojpur, Pin-802152.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Home Department Govt. of Bihar, Patna.
2. The Director General of Police, Home Department, Govt of Bihar, Patna.
3. The District Magistrate, Bhojpur at Ara.
4. The District Arms Magistrate, Bhojpur at Ara.
5. The Superintendent of Police, Bhojpur at Ara.
6. The Sub-Divisional Police Officer, Police Station Jagdishpur, District-Bhojpur
7. The Station House, Police Station Bihiya, District-Bhojpur.

... .. Respondent/s

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**Appearance :**

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| For the Petitioner/s | : | Mr. Daya Shankar Prasad Sinha, Advocate<br>Mr.Dhanesh Shankar Vidyarthi, Advocate<br>Mr. Gaurav Kumar Sinha, Advocate |
| For the State        | : | Mr.Nagendra Pd. Yadav (Sc23)<br>Mr. Vijaya Laxmi Srivastava, AC to SC-23                                              |

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**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH**  
**ORAL ORDER**

2      14-05-2024                      The present writ petition has been filed seeking the  
following relief:-

*“I. For issuance of a writ in the nature of certiorari to quash the order dated 15.09.2023 passed by the Respondent no. 2 in Arms License case no.27/2023 because the submitted application either for grant of the licence of DBBL gun the name of the petitioner or to transfer the Licence no. 06/1969 which was running in the name of the deceased father of petitioner, but being recommendation of the authorities of Police Officials*



*showing that there is no criminal antecedent against the petitioner, the respondent no. 2 has been pleased to reject the application of arms licence u/s 14(i) (b) (ii) of the Arms Act, 1959 is as;-*

*"Not with standing any thing in section 13, the licensing authority shall refuse to grant a license in any other case under chapter II where the licensing authority deems it necessary for the security of the public peace or for public safety to refuse to grant such licence."*

*II. For issuance of a writ in the nature of mandamus directing and commanding to the respondent authorities to grant the license of DBBL Gun or to transfer the license of his deceased father in the name of petitioner because the license of DBBL Gun bearing License No. 06/1969 was already in the name of the father of petitioner since long and there was no adverse remarks has been found either in past or in present, so there is no question arise for any breach of public peace and safety, and refusal of the arms application is not sustainable in law.*

*III. For issuance of a direction to the Respondent authorities to grant or transfer the DBBL Gun License in the favour of petitioner in the light of Rule-25 of Arms Rules, 2016 which clearly speaks that after the death of licensee to his legal heir, or on the other case, licensee attaining the age of 70 years or on holding the firearm for 25 years whichever is earlier, to any legal heirs nominated by him.*



*IV. For further a direction to the Respondent authorities to grant the license or to transfer the license of licensee which provided that notwithstanding the provision contained in rule 12 of these rules the licensing authority may grant a license to such legal heir if the eligibility conditions under the Act and these rule are fulfilled by the said legal heir and there are no adverse remarks in the police report.”*

2. At the outset, the learned counsel for the respondent-State, by referring to the counter affidavit filed in the present case, submits that the application of the petitioner, for grant of arms licence, has already stood rejected, by an order dated 15.09.2023, passed by the District Magistrate, Bhojpur at Ara

3. At this juncture, the learned counsel for the petitioner seeks liberty on behalf of the petitioner to challenge the aforesaid order dated 15.09.2023, by filing appropriate appeal. Liberty so sought is granted.

4. The writ petition stands disposed off.

**(Mohit Kumar Shah, J)**

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