

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1540 of 2024

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Rajiv Ranjan @ Rajiv Ram Son of Sri Ram Charitra Prasad Resident of Ward
no 1, Village- Khopati, P.S- Sour Bazar, District- Saharsa.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Home Secretary, Government of Bihar
2. Divisional Commissioner, Koshi, Division, Saharsa.
3. District Magistrate, Saharsa
4. Superintendent of Police, Saharsa
5. Additional District Magistrate, (Arms), Saharsa.
6. District Arms Magistrate, Saharsa.
7. Sub-divisional Officer, Saharsa
8. S.H.O. Sour Bazaar Police Station, District- Saharsa.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Manisha Pandey
For the Respondent/s : Mr. Sunil Kr. Mandal, Standing Counsel (3)
Mr. Bipin Kumar, AC to SC 3

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3 15-04-2024 Heard learned counsel for the petitioner and learned
counsel for the State.

2. By way of this writ petition, the petitioner has
prayed for the following reliefs:-

i. For issuance of appropriate writ/orders/
directions to respondents to act upon the representation
dated 13.10.2023 filed by the petitioner before the district
magistrate -cum- licensing authority Saharsa i.e. the
respondent No. 3 herein.

ii. For that the Arms application of the petitioner
for grant of N.P. bore Rifle and Revolver / Pistol license has
been pending before the district magistrate, Saharsa, 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 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 Court in a Case of Dwivedi Surendra Vs.State of Bihar and others.

iv. For that the pending arms applications for an infinite 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. By the impugned order dated 19.02.2024, the application of the petitioner for grant of arms license has been rejected by the District Magistrate, Saharsa on various grounds.

4. The contention of the petitioner for quashing the impugned order is as follows:-

(i) He is a contractor registered with the Road Construction Department.

(ii) He is an eminent business-man running a Hero Showroom and also is stockist of Birla Cement.

5. It appears from above that the nature of work of the petitioner is of constant threat at the hands of criminals which cannot be denied considering the present law and order situation.



6. Learned counsel for the petitioner has further submitted that though the petitioner had filed a training certificate but one of the grounds for rejection of his application was also that he has not produced the training certificate and he also submits that it is a clear case of non application of mind and it appears that the impugned order has been passed in a mechanical manner.

7. Learned counsel for the petitioner further relies upon a judgment of this Court passed in ***CWJC No. 13391 of 2014 (Deepak Kumar Vs. The State of Bihar and Ors.)*** and relevant paragraph of the same reads as follows:-

"Having heard the learned counsel for the parties and having gone through the materials on record, this Court finds that the impugned order dated 13.3.2020, passed by the District Magistrate, Patna, has not taken into consideration the nature of trade and profession being carried out by the petitioner herein, which as per the aforesaid judgment of the Hon'ble Division Bench rendered in the case of Deepak Kumar (supra), is required to be considered, while considering an application for grant of arms license, hence, the said order dated is not sustainable in the eyes of law, thus, is quashed and the case of the petitioner for grant of arms license is remanded back to the District Magistrate, Patna, who shall, after grant of an opportunity of hearing to the petitioner, take appropriate decision afresh within a period of twelve weeks of receipt / production of a copy of this order, in accordance with law and taking into account the provisions contained in the Arms Rules, 2016, as also considering the report of the aforesaid two police officials dated 9.12.2019 and 15.12.2019."



8. Learned counsel for the petitioner also relies upon a judgment of this Court passed in ***CWJC No. 10784 of 2021 (Vijay Kumar Singh Vs. The State of Bihar and Ors.)*** and paragraph 9 of the same reads as follows:-

"In my view, the answer has to be in negative as there is no presumption that a gun of permitted bore in the hand of a lawful citizen would be detrimental for the peace or for public safety unless he is involved in some conflict with a person or group of persons. Simply saying that since there is lack of evidence regarding threat perception the licence for firearm would be detrimental for the peace or for public safety of the society, is not tenable. The legislature in its wisdom has laid down the procedures to be adopted and conditions for grant of firearm licence under sections 3 and 13 of the Act and grounds under which the firearm licence can be refused stand enumerated under section 14 of the Act."

9. Considering the aforesaid facts and also considering the judgment of this Court passed in ***CWJC No. 13391 of 2014 (Deepak Kumar Vs. The State of Bihar and Ors.)*** and ***CWJC No. 10784 of 2021 (Vijay Kumar Singh Vs. The State of Bihar and Ors.)***, this application is allowed.

10. Accordingly, the order dated 19.02.2024 as contained in Memo No. 264/G passed by the District Magistrate, Saharsa is hereby quashed.

11. The matter is remitted back to the District Magistrate, Saharsa for fresh consideration of the application of



the petitioner for grant of arms license.

12. The fresh order shall be passed by the District Magistrate, Saharsa by 30th of June, 2024 in accordance with law and after hearing the petitioner.

(Sandeep Kumar, J)

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