

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3961 of 2025

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Anjaneer Kumar S/o Shri Dhruva Narain Khosla, R/o- Village- Bhupatti, P.O.-
Kharagbani, P.S. - Babubrahi, District- Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar through Additional Chief Secretary, Department of Home, Government of Bihar, Old Secretariat Patna.
2. The Additional Chief Secretary, Department of Home, Government of Bihar, Old Secretariat, Patna.
3. The District Magistrate Madhubani.
4. The Superintendent of Police Madhubani.
5. The District Arms Magistrate, Madhubani.
6. The Sub Divisional Officer, Sadar, District- Madhubani.
7. The Deputy Superintendent of Police, Sadar, Madhubani.
8. The Station House Officer Babubrahi, District- Madhubani.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Alok Ranjan, Adv.
For the Respondent/s : Mr. Standing Counsel (11)

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CORAM: HONOURABLE MR. JUSTICE A. ABHISHEK REDDY
ORAL ORDER

5 08-12-2025 Heard the learned counsel for the parties.

2. The present writ petition has been filed for the
following relief(s):-

“I. For issuance of a writ or writs
in nature of Mandamus for direction and
commanding to the concerned respondent
authority to consider the application of the
petitioner for grant of Arms license and
award the same in accordance with law, as
the petitioner after fulfilling requisite criteria
have applied for safeguard of his life and
property and the application filed on behalf
of the petitioner is pending consideration
since 2018, before the respondent authority
i.e District Magistrate, Madhubani, without



of any rhyme and reasons.

II. For any other relief or reliefs for which the petitioner is found entitled under law, in the facts and circumstances of the present case.”

3. The following relief(s) has been added by filing I.A. No. 01 of 2025.

“III). For Quashing of memo no. 123 dated 04.04.2025 issued under the signature of District Magistrate Madhubani whereby and where under the application for grant of Arms license has been rejected in sheer retaliation and vengeance as the petitioner had approached before this Hon'ble court by way of filing present writ application, by an illegal, cryptic, perverse order, that too during pendency of present writ application.”

4. It is the case of the petitioner that he has initially applied for issuance of arms license of double barrel gun and pistol in the year 2018 and the concerned S.P./ SHO has recommended for granting the same. Thereafter, the District Magistrate had raised some queries and sought reply from the Circle Officer, DCLR and the same was answered by the Circle Officer, DCLR however, till date the filing of the present writ petition, no orders were passed. Subsequently, the District Magistrate, Madhubani vide order dated 04.04.2025 which is impugned in the present writ petition has rejected the application of the petitioner.

5. Learned counsel appearing on behalf of the



petitioner has submitted that the respondent authority without any application of mind has in a mechanical manner rejected the application made by the petitioner without taking into consideration that the petitioner is an owner of automobile agency and that he has to travel from his showroom to his house carrying huge cash amounts i.e., the cash from the daily sales. That the petitioner was attacked and threatened by some anti social on one occasion and he informed the SHO Khutauna Police Station by way of a written complaint. However, the authority without taking the same into consideration has simply rejected the application solely on the ground that there is no threat perception to the life of the petitioner herein. Learned counsel has stated that the decision of the District Magistrate rejecting the application for arms license is contrary to the provisions of the Arms Act and the judgments of this Hon'ble Court in the case of ***Sushil Kumar Singh Vs. State of Bihar & Ors.*** reported in ***2015 SCC OnLine Pat 2212*** and in the case of ***Manis Kumar Vs. The State of Bihar & Ors.*** with its analogous cases reported in ***2015 SCC OnLine Pat 6455***. Learned counsel has therefore, prayed this Hon'ble Court to allow the present writ petition and set aside the impugned order passed by the District Magistrate, Madhubani *vide* order dated 04.04.2025 and



direct the authorities to issue arms license.

6. *Per contra*, the learned counsel appearing on behalf of the respondent-State has vehemently opposed the very maintainability of the present writ petition. Learned counsel has stated that the petitioner is having an alternative and efficacious remedy of filing a statutory appeal against the order of District Magistrate rejecting the application for arms license. Learned counsel has stated that the order passed by the District Magistrate is a well reasoned order which does not require any interference from this Hon'ble Court. Further, it is stated that the authority duly taking into consideration that there is no threat to the life and limb of the petitioner has come to the conclusion that there is no need for issuance of the arms license in favour of the petitioner. Further, it is stated that the FIR set to have been filed against some anti social elements has not been mentioned in the report of the SP. Learned counsel has stated that the petitioner in his application has also not mentioned about any untoward incident having taken place against the petitioner and therefore, the authority did not deem it necessary to grant the arms license to the petitioner. Learned counsel has therefore, prayed this Hon'ble Court to dismiss the present writ petition.

7. A perusal of the impugned order passed by the



District Magistrate reveals that the authority after taking into consideration the report of the SP/ SHO has come to the conclusion that there is no threat to the life of the petitioner. The authority has come to the above conclusion solely on the ground that the petitioner in his application has not mentioned about any untoward incidents which have taken place against him. Further, the authority has also taken the report of the SP/ SHO into consideration and come to the conclusion that the alleged FIR filed by the petitioner against some third party/ anti social elements who attacked the petitioner has not been mentioned in the reports submitted by them.

8. This Hon'ble Court in the case of ***Sushil Kumar Singh Vs. State of Bihar & Ors.*** reported in ***2015 SCC OnLine Pat 2212*** has held as under;

“8. Section 13 of ‘the Act’ provides for grant of licence and creates no such categories or classification as a pre-condition for filing of such application that the applicant or his family members should be facing imminent danger to his life. Section 13 is a legal right vested in a citizen of this country to apply for a licence without any pre-condition and even when the discretion is vested in the licensing authority i.e. the District Magistrate under section 14 of ‘the Act’ to refuse a licence, the field is clearly described therein. The provision of section 14 makes it eloquent that absence of perceived threat is no condition to refuse a licence.

9. Thus where neither section 13 creates a pre-condition that an applicant should establish imminent danger to his life or perceived threat before he can apply for grant of licence and in absence of any such provision in section 14 which would disentitle any such applicant for



grant of arms licence the order passed by the licensing authority as affirmed by the appellate authority cannot be upheld.”

9. Further, this Court in the case of ***Manis Kumar Vs. The State of Bihar & Ors.*** with its analogous cases reported in ***2015 SCC OnLine Pat 6455*** has held as under;

“Indeed, the subjective satisfaction of the licensing authority on the reasons set forth in section 13 or 14 of the Act would form a condition precedent for grant of licence or refusal to grant licence but the so-called evidence regarding threat perception does not find specific place either in section 13 or 14 of the Act. So far section 14(1)(b)(i)(3) of the Act is concerned, that is only applicable in case the applicant is found to be unfit on any reason provided under the statute but so-called threat perception, not being any ground either in section 13 or section 14, one would wonder as to how it can form a ground for refusal of licence. Similarly, even the directive of the Central Government or any authority for such consideration would also not be meaningful in the absence of any statutory provision in that regard. The letter dated 31.03.2010 issued by the Ministry of Home, Central Government, has been considered by a Single Bench of this Court while considering the issue of threat perception for refusal of licence in C.W.J.C. No. 2503 of 2013 (Ram Bachan Rai v. The State of Bihar and others). While disposing of the aforesaid writ application vide order dated 25.08.2014 the learned Single Judge has opined as under:-

“Even the circular relied upon by the District Magistrate issued by the Government of India does not create any bar. Paragraph ii(a) of the circular in fact merely provides that applications from persons who have perceived threats may be considered. Such requirement in no manner would exclude such persons who do not face any such threat and for the simple reason that any such condition being imposed in a circular issued by the department, would be contrary to the statutory provisions.”

This Court is in agreement with the aforesaid



views expressed by the learned Single Judge.

Another Single Bench of this Court in Birendra Singh Kushwaha(supra), as has been discussed above, has already held that threat perception does not mean that the applicant should actually suffer any assault or any overt act. Mere apprehension is enough for the grant provided the applicant is not otherwise unfit for such grant of licence.

In a decision rendered in Braj Bhushan Sharma v. The State of Bihar and others (2004(2) Patna Law Journal Reports 473), a Division Bench of this Court, while dealing with the matter of renewal of arms licence, has held that when the law provides certain conditions for refusal of renewal of the licence then only that condition or ground alone can be looked into for refusal and no other grounds can be looked into to deny a person to carry on business.

Similarly, a Single Bench of this Court in a decision rendered in Amrendra Kumar Singh v. The State of Bihar and others (2008(1) Patna Law Journal Reports 151) has also opined that failure to submit any cogent documentary evidence in support of threat perception is a very vague term and the licensing authority cannot hold that the licence can only be grant if there is actual threat to life or property.

In yet another decision rendered in Raj Kumar Singh v. The State of Bihar and others (2012(2) Patna Law Journal Reports 695) a Single Bench of this Court has held that the licensing authorities have of course discretion in the matter of granting licence but such discretion vested in it is circumscribed by the provision of the Act and requirement of arms licence for self- protection is not a circumstance which can be brushed aside easily as every citizen has a right to protect himself and if the right is supported by legal provisions, the same has to be respected. It has been held that such discretionary power vested in the licensing authority under section 14 of the Act cannot be expanded to such an extent so as to render the very provision redundant. The same learned Single Judge in yet another decision rendered in Sushil Kumar Singh v. The State of Bihar and others (2015(2) Patna Law Journal Reports 549) has held that if the petitioner is not ineligible on any of the grounds provided under section 14 of the Act for refusal of licence and if section 13 of the Act does not provide a pre-condition for filing of such application that applicant or his family members should be facing imminent danger to their life, the ground of threat perception cannot



be taken as a ground for refusal of licence. ”

10. Having regard to the law laid down by this Court in the above mentioned cases and also the provisions of the Arms Act which does not stipulate that unless and until there is a threat perception to the life and limb of the applicant, the authority can issue the arms license. This Court is of the *prima facie* opinion that the authority has not taken the provisions of the Arms Act in a proper perspective and also the law laid down by this Hon'ble Court in the above mentioned judgments and simply rejected the application made by the petitioner on an erroneous ground. When the petitioner is categorically stating that there was an attack on him and the petitioner has lodged a criminal complaint against the miscreants, the authority should have called for a specific report from the SP/ SHO and tested the veracity of the statement made by the petitioner, instead the authority has simply stated that there is no visible threat perception to the life and limb of the petitioner and rejected the claim of the petitioner. The granting of the arms license is not co-related to the threat perception of the applicant and definitely not a pre-condition.

11. Having regard to the above, the impugned order dated 04.04.2025 passed by the District Magistrate, Madhubani



is set aside and the matter is remanded back to the authority concerned. The authority is directed to take into consideration the directions of this Court in the above mentioned judgments and also the provisions of the Arms Act and pass a fresh order. The authority shall endeavor to pass necessary orders on the application made by the petitioner as expeditiously as possible preferably within a period of six weeks from the date of receipt of a copy of this order. If any clarification is needed, the petitioner shall be put on notice and giving him an opportunity to clarify the query raised. Any decision taken shall be communicated to the petitioner.

12. With the above direction, the present writ petition stands allowed to the extent indicated.

(A. Abhishek Reddy, J)

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