

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2727 of 2017

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Nand Kishore Singh Son of Yadunandan Singh, Resident of village - Marwa
Pakar, P.O. Chaubey Ambara, P.S. Saraiya, District - Muzaffarpur

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Commissioner, Tirhut Commissinary, Muzaffarpur.
3. The District Magistrate, Muzaffarpur - District Arm's Magistrate,
Muzaffarpur
4. The Superintendent of Police, Muzaffarpur
5. The Dy. S.P. West Muzaffarpur
6. The S.D.J.M. West Muzaffarpur
7. The S.H.O. Saraiya, Muzaffarpur

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Nachiketa Jha, Advocate
For the Respondent/s	:	Mr. SC-11
	:	Mr. Piyush Kumar Pandey, AC to SC-11

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR SINHA
ORAL ORDER

8 16-07-2025 Heard learned counsel for the petitioner and learned
counsel for the Respondent-State.

2. The petitioner has prayed for the grant of following
reliefs:-

*“I. Issuance of order, direction, writ
including writ in the nature of
certiorari of quashing the order dated
28.03.2016 passed in Arms Appeal no.
34/2016.*

*II. Issuance of order, direction writ
including writ in the nature of
certiorari for quashing the order dated*



30.12.2015 passed in Arms Application Case District No. 7-244/2008 by learned Magistrate-cum-District Arms Magistrate, Muzaffarpur.

III. Issuance of order, direction, writ including writ in the nature of mandamus directing the respondents to issue licence Revolver/Pistol to the petitioner.

IV. Any other relief that the petitioner may be found to be entitled to in the facts and circumstances of the present case.”

3. It is submitted by learned counsel for the petitioner that the application for grant of revolver license has been rejected on the ground of absence of threat perception to the petitioner. Learned counsel for the petitioner submits that the issue involved in the present writ application is no longer *res integra* as on similar facts, a Coordinate Bench of this Court has already delivered a judgment on **27.11.2024 in CWJC No. 4117/2020 in the case of Ranjan Kumar Mandal Vs. State of Bihar & Ors.** and, therefore, the petitioner prays that this case also be disposed of in light of the said judgment.

4. Learned counsel appearing for Respondent-State does not dispute the legal position which has been argued by learned counsel for the petitioner.



5. In the case of *Ranjan Kumar Mandal (supra)*, this Hon'ble Court has been pleased to hold in paragraph nos. 8 and 9 as follows:-

“8. Having considered the rival submissions, this Court finds that the impugned order dated 15.3.2018, passed by the District Magistrate, Khagaria, as also the one dated 15.11.2019, passed by the Divisional Commissioner, Munger Division, Munger, are solely based on absence of threat perception to the petitioner, which has led to rejection of the application of the petitioner for grant of arms license, however, this Court finds that the said orders are contrary to the law laid down by the learned Division Bench of this Court in the case of Deepak Kumar (supra), hence, I deem it fit and proper to quash the order dated 15.3.2018, passed by the District Magistrate, Khagaria, as also the one dated 15.11.2019, passed by the Divisional Commissioner, Munger Division, Munger and remand the matter back to the District Magistrate, Khagaria, for fresh consideration, who shall, after granting an opportunity of hearing to the petitioner, pass fresh orders upon the application of the petitioner for grant of arms license, within a period of twelve weeks of receipt / production of a copy of this order, in accordance with law and by taking into account the provisions, contained in the Arms Rules, 2016, as also the law laid down by the learned Division Bench of this Court in the case



of Deepak Kumar (supra).

9. The writ petition stands allowed to the aforesaid extent.”

6. Since the facts and the legal issue involved in this case is similar to the case of *Ranjan Kumar Mandal (supra)* which has been allowed by this Court in the aforesaid terms, even the present writ application is allowed holding that the impugned orders dated 28.03.2016 passed in Arms Appeal No. 34/2016 and 30.12.2015 passed in Arms Application Case No. 07-244/2008 passed by the District Magistrate-cum-District Arms Magistrate, Muzaffarpur are contrary to the law laid down by the learned Division Bench of this Court in the case of ***State of Bihar & Ors. Vs. Deepak Kumar reported in 2019 SCC Online Pat 3759***, hence, I deem it fit and proper to quash the orders dated 28.03.2016 passed in Arms Appeal No. 34/2016 and 30.12.2015 passed in Arms Application Case No. 07-244/2008 by the District Magistrate-cum-District Arms Magistrate, Muzaffarpur and remand the matter back to the District Magistrate, Muzaffarpur, for fresh consideration, who shall after granting an opportunity of hearing to the petitioner pass fresh orders upon the application of the petitioner for grant of revolver license, within a period of twelve weeks from the date of receipt/production of a copy of this order, in accordance with law and by taking into account provisions contained in



Arms Rules 2016, as also the law laid down by the learned Division Bench of this Court in the case of *Deepak Kumar (supra)*.

7. The writ application stands allowed to the aforesaid extent.

(Alok Kumar Sinha, J)

Gaurav Sinha/-

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