

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16920 of 2016

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Md. Zeyauddin Son of Late Halimuddin resident of village - Hamzapur, P.S.
Amas, District - Gaya

... .. Petitioner

Versus

1. The State Of Bihar
2. The Divisional Commissioner, Magadh Division, Gaya
3. The District Magistrate, Gaya, District Gaya
4. The Sub - Divisional Magistrate, Sherghati
5. The Superintendent of Police, District Gaya
6. The Inspector of Police, Imamganj, District Gaya
7. The officer - in - Charge of Amas Police Station District Gaya
8. The District Arm Magistrate, Gaya
9. The Sub Divisional Police Officer Sherghati, District Gaya

... .. Respondents

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Appearance :

For the Petitioner/s	:	Mr. Md. Anisur Rahman, Advocate
For the Respondent/s	:	Mr. Prabhat Kr. Verma, Aag-3
	:	Mr. Suman Kumar Jha, AC to AAG-3

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR SINHA
ORAL ORDER

6 31-07-2025 Heard learned counsel for the petitioner and learned
counsel for the Respondent-State.

2. The petitioner has filed the writ application for the
grant of following reliefs:-

“(A) For issuance of appropriate writ/order or direction Quashing the based order dated 24.5.2016 by the District Magistrate, Gaya by which the application filed by the petitioner for Issuance of Arms License to him has



been rejected as contained in Annexure- 19 to this writ application.

(B) For issuance of appropriate writ/order or direction commanding the Respondents to issue License of N.P. Bore Rifle to the petitioner.

(C) For any other relief or reliefs for which the petitioner is found entitled in the opinion of this Hon'ble court."

3. From a careful perusal of the judgment and order dated 06.10.2015 passed in CWJC No. 16794 of 2013 (Annexure-17) it appears that the petitioner had earlier also come to this Court challenging order dated 31.05.2013 passed by the District-Magistrate-cum-Licensing Authority, Gaya by which his application for grant of arms license was rejected on the ground that the Superintendent of Police had only forwarded the opinion of the subordinate police officer without himself recommending for grant of arms license. This Court while examining the case of the petitioner had observed that the impugned order dated 31.05.2013 passed by the District-Magistrate-cum-Licensing Officer, Gaya which was then under challenge was not sustainable in view of the fact that there existed a clear statement in the letter written by the Senior Superintendent of Police, Gaya that the petitioner was residing



in an extremist affected area and the petitioner was also subjected to assault and for that amas P.S. Case No. 07/2004 under Sections 147, 148, 149, 384, 307, 452 and 504 of the Indian Penal Code and Section 27 of the Arms Act was lodged. Further relying on the decision of this Court in the case of ***Manish Kumar Vs. The State of Bihar and Ors. delivered on 11.08.2015 in CWJC No. 18535 of 2011***, this Court had then quashed and set aside the order dated 31.05.2013 passed by the District-Magistrate-cum-Licensing Officer and had remitted the matter back to the District-Magistrate-cum-Licensing Authority, Gaya to take a fresh decision in accordance with law within a period of four months from the date of receipt/production of a copy of the said order after considering all the aspects.

4. In terms of the aforesaid order of this Court dated 06.10.2015 passed in CWJC No. 16794 of 2013, the present impugned order dated 24.05.2016 has been passed by the District-Magistrate-cum-Licensing Officer, Gaya by which again the petitioner's prayer/application for grant of arms license has been rejected *vide* Annexure-19. In this impugned order, after discussing the entire circumstances, the District-Magistrate-cum-Licensing Officer has refused to grant arms license to the petitioner by deeming it necessary for the security



of the public peace or for public safety. It is this order of the District-Magistrate-cum-Licensing Officer, Gaya, which is under challenge in the present writ application.

5. The impugned order dated 24.05.2016 passed by the District-Magistrate-cum-Licensing Officer, Gaya refusing to grant arms license to the petitioner is appealable before the Divisional Commissioner, Magadh Division, Gaya. The learned counsel for the petitioner submits that he is willing to withdraw the present writ application, if this Court would grant the petitioner the liberty to file an appeal before the Divisional Commissioner, Magadh Division, Gaya within a fixed period of time and if the period of delay is condoned by this Court.

6. To the aforesaid prayer being made by the learned counsel for the petitioner, learned counsel appearing for the Respondent-State does not have any objection.

7. Considering the nature of prayer being made by the learned counsel for the petitioner, this writ application is disposed of as withdrawn granting liberty to the petitioner to challenge the impugned order dated 24.05.2016 passed by the District-Magistrate-cum-Licensing Officer, Gaya by filing an appropriate appeal before the Divisional Commissioner, Magadh Division, Gaya within one month from the date of this



order. If such an appeal is filed by the petitioner then the same shall be heard and decided on merit after giving an opportunity of hearing to the petitioner. Needless to emphasize that the final order which shall be passed by the Appellate Authority should be a reasoned and speaking order. It is expected that the Appellate Authority will dispose of the appeal as expeditiously as possible.

8. With the aforesaid observation and direction and with liberty granted, the present writ application is disposed of. All pending Interlocutory Applications, if any shall stand disposed of.

(Alok Kumar Sinha, J)

Gaurav Sinha/-

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