

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.905 of 2025

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Satyendra Prasad Son of Krishna Prasad, Resident of Village- Pakartar,
Niwasi Chak, P.S.- Dhanarua, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
2. Directed General of Police, Police Department, Govt. of Bihar, Patna.
3. The Divisional Commissioner, Patna.
4. District Magistrate, Patna.
5. District Arms Magistrate, Patna.
6. Sr. Supretendent of Police, Govt. of Bihar, Patna.
7. Office Incharge, Dhanarua Police Station.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Deepak Kumar Sinha, Adv.
For the Respondent/s : Mr.Standing Counsel (01)

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CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

6 05-05-2026 Heard learned counsel for the petitioner and learned

Standing Counsel-01 for the State.

2. The instant writ petition has been filed for the

following relief(s):-

*“1. For quashing the order dated
19.11.2024 passed by the learned court of
commissioner, Patna Parmandal, Patna vide Arms
Appeal case No. 247-2024 by which learned court of
commissioner has rejected the Arms Appeal Of
petitioner arises out of order dated 17.10.2023 Vide
Memo no.- 3598 issued by the District Arms*



Magistrate/District Magistrate Patna by which application of petitioner with regard to issuing the arms license was rejected without any proper rhymes and reason knowingly and deliberately aware with the fact that life and property of petitioner is in under threat.

II. After quashing the aforesaid rejection order issue an arms License in favor of petitioner for which he has already submitted application in the prescribed form with all required documents before the authorities of Bihar on 23.06.2022 immediately for the purpose to save his life and property.

III. To further command and direct the respondent to enquire over the matter and guilty respondents may punish accordance with law.”

3. Learned counsel for the petitioner submits that due to business rival and social work, the petitioner is under threat and for saving his life and property, he requires arms license from the authority concerned. Counsel for the petitioner submits that the petitioner applied for an arm-license before the District Magistrate, Patna whereafter the District Magistrate issued two



letters to the Senior Superintendent of Police Patna and Office In-charge, Dhanarua police station but, when nothing was done, the petitioner filed CWJC No. 3650 of 2023 for redressal of his grievance which was disposed of with a direction to the District Magistrate/District Arms Magistrate, Patna to dispose off the application filed by the petitioner, for grant of arms license but, the District Magistrate, without considering the threat of life and property and as also there being no recommendation of police, rejected the application of the petitioner. It is next submitted that pursuant to the order dated 19.09.2023 passed by this Court in CWJC No. 3650 of 2023, the District Magistrate, Patna rejected the application of the petitioner for grant of arms license vide Memo No. 3598 dated 17.10.2023. It is further submitted that in compliance to the order dated 20.06.2024 passed by this Court in CWJC No. 5259 of 2024, the petitioner filed an Arms Appeal before the learned court of Commissioner, Patna Division, Patna in Arms Appeal No. 247 of 2024 which was rejected without considering the grounds of threat by passing the impugned order dated 19.11.2024. Counsel for the petitioner, by referring to the order of this Court dated 01.02.2016 passed by the Co-ordinate Bench in ***CWJC No. 13391 of 2014 (Deepak Kumar v. The State of Bihar & Ors)***, submits that the lack of specific evidence



regarding threat perception does not form the ground of rejection of grant of license and the threat perception does not mean that a person has to suffer any overt-act for entitlement of grant of fire-arm license.

4. On the other hand, counsel for the State supports the decision taken by the Divisional Commissioner, Patna by submitting that it is the subjective satisfaction of the licensing authorities in granting license or in refusing the same on his/her/their personal satisfaction, where the security of public peace and for public safety, such decisions are required to be taken by them. But insofar as the subjective satisfaction is concerned, which is required to have been mentioned/indicated in the order impugned and as also in the appellate order, which is apparently missing, for which, learned State counsel in view of the factual position fairly submits that such consideration is indeed missing from the orders impugned.

5. Considering the submission of the parties, this Court finds from the appellate order, it does not appear that the appellate authorities have considered such issues with regard to the petitioner's entitlement for grant of license which, in express terms, and the Co-ordinate Bench having held that with regard to threat perceptions, it is not required that a person has to suffer



with any overt-act for such grant of license, in view of the factual background, which is evident from record, this Court sets aside the Memo No. 3598 dated 17.10.2023 passed by the District Magistrate, Patna and the order dated 19.11.2024 passed by the learned court of commissioner, Patna Parmandal, Patna vide Arms Appeal case No. 247-2024.

6. Consequently, the District Magistrate, Patna is directed to adjudicate the claim of the petitioner for grant of license on the basis of earlier application filed by this petitioner on 23.06.2022 and in case, any new format of application has been introduced for seeking request for grant of license by the applicant, in such event, the petitioner would be appropriately communicated to carry out the formalities for filling up such application and, in case, there is no such change, in such event, the petitioner's application for grant of license shall be adjudicated within a period of six weeks from filing of a representation by the petitioner before the authorities concerned.

7. Accordingly, the writ petition stands disposed of.

(Ajit Kumar, J)

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