

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2545 of 2025

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Ranjan Kumar Singh S/o-Late Chunnua Prasad Singh R/o-Vill and Post-
Chaugain (802115), P.S.-Murar, Dist.-Buxar, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through Chief Secretary, Government of Bihar, Patna-800001.
2. The District Magistrate, Buxar, Pin-802101, Bihar.
3. The Superintendent of Police, Buxar, Pin-802101, Bihar.
4. The Sub-Divisional Officer, Sub-Division, Dumraon, Pin-802119, Buxar, Bihar.
5. The Sub-Divisional Police Officer, Sub-Division, Dumraon, Pin-802119, Buxar, Bihar.
6. The Station House Officer, P.S.-Murar, Pin-802115, District-Buxar, Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Abhinav Kumar Singh
For the Respondent/s : Mr.Government Pleader (16)

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CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

4 11-05-2026 Heard learned counsel for the petitioner and learned
counsel for respondents.

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

- i. For issuance of writ in the nature of Mandamus for commanding and directing the concerned respondent i.e. responded number 02 and 03 to act in accordance with Section 13 and 14 of the Arms Act, 1959 and Rule 13 and 14 of Arms Rule, 2016.*
- ii. For issuance of Writ in the nature of Mandamus to direct the Respondent No. - 02 to reconsider and Arms Case No. 12 of*



2021 which was arbitrarily discharged in haste and vengeance due to Contempt case.

iii. For issuance of Writ in the nature of Certiorari for quashing and setting aside the effect of order dt. 01/08/2023 passed in Arms Case No. 12 of 2021 by Respondent No.-02 and direct him to grant the same.

iv. For issuance of Writ in the nature of Certiorari for quashing and setting aside the effect of order dt. 22/10/2024 passed in Arms Appeal No.- 215 of 2024 by and direct Respondent No.- 02 to grant the same.

v. For issuance of Writ in the nature of Mandamus to direct the Respondent No. 2 to grant the Arms License to the petitioner for the safety of the life and property.

vi. For issuance of the Writ in the nature of Mandamus for imposing cost over the respondents for allegedly violating and intentionally misusing the order/direction given by this Hon'ble Court in CWJC No.- 11425 of 2022 vide order dt.- 01/05/2023 causing loss of time and energy of the petitioner and also leading to mental and physical agony.

vii. For issuance of the Writ in the nature of Mandamus for imposing cost over the respondents for allegedly violating and misusing the powers conferred under Section 13 and 14 of the Arms Act, 1959 and Rule 13 and 14 of the Arms Rule, 2016 and directions issued under Sub-Clause (C) of Clause (ii) of Circular Number V-11016/16/2009-Arms, Ministry of Home Affairs (IS-II Division/Arms Section) AND Clause (V) of Circular Number 11026/16/2009-Arms, Government of India, Ministry of Home Affairs (IS-II Division/Arms Section), which leads to the



wastage of petitioner's precious time and also cause mental and physical agony.

viii. For issuance of Writ in the nature of Mandamus directing the respondents and the State of Bihar to properly follow and comply with the directions laid down under Section 13 and 14 of the Arms Act, 1959 and Rule 13 and 14 of Arms Rule, 2016 and directions issued under Sub-Clause (C) of Clause (ii) of Circular Number V-11016/16/2009-Arms, Ministry of Affairs Home (IS-II Division/Arms Section) AND Clause (V) of Circular Number 11026/16/2009-Arms, Government of India, Ministry of Home Affairs (IS-II Division/Arms Section).

3. Learned counsel for the petitioner submits that the reasons for rejection which has been incorporated in the order impugned dated 07.12.2023 in Misc. Arms Case No. IX157/2022 passed by District Magistrate, Patna, goes to show that the authorities/District Magistrate, Patna while referring to the provisions under Arms Act, 1959, Section 13(3) (b) and Section 14 (1) (b) (2), wherein the Licensing Authorities have been empowered to refuse to grant a license on satisfaction, where it transpires to the authorities that for security of the public peace or for public safety, the same can be refused. It has next been submitted that the petitioner's application for obtaining license has been rejected by the authorities on the ground that on 01/08/2023, the Respondent No. 02 merely



undertook the procedural formalities and, without considering the merits of the petitioner's claim, arbitrarily rejected the application by grossly ignoring the order passed by the Hon'ble Court in CWJC No. 11425 of 2022 dated 28/07/2022. It has further been submitted that after the rejection order passed by the District Arms Magistrate, Buxar, the petitioner preferred an appeal before this Hon'ble Court in CWJC No. 821 of 2024 arising out of order dated 01.12.2023, wherein this Hon'ble Court, vide order dated 01.08.2024, directed the petitioner to file an appropriate petition before the Commissioner, Patna Division. Consequently, on 06.08.2024, the petitioner filed Arms Appeal No. 215 of 2024 before the Commissioner, Patna Division. However, the learned authority, vide impugned order dated 22.10.2024, mechanically dismissed the appeal ignoring the grounds contemplated under Section 13 of the Arms Act, and rejected the same merely on two grounds, namely: (i) that the petitioner has no security threat, and (ii) that the Superintendent of Police had only forwarded the report. It is pertinent to mention that this Hon'ble Court, in CWJC No. 4117 of 2020, vide judgment dated 27.11.2024, has categorically held that "*Arms Licence cannot be denied solely on the ground that the applicant does not have any specific security threat or*



imminent danger.

4. Learned counsel for the petitioner, by referring to the provisions of Section 13(3) (b) of the Arms Act, 1959 submits that the Licensing authority is provided with statutory duty to grant license under Section 3 in any other case or a license under Section 4, Section 5, Section 6, Section 10 or Section 12, if the licensing authority is satisfied that the person by whom the license is required has a good reason for obtaining the same. Though, the provisions of Section 13(3) (b) which enables the licensing authority to consider the case of the applicant for grant of license in the contingencies indicated under the said provision, still, for no prudent reason, has refused to exercise the powers to grant license ignoring the materials available on record that the petitioner is possessing a huge chunk of land located in marketed area and on highway and people with criminal background frequently try to encroach the same and this fact has not been controverted by the local police and, as also, character of the petitioner having been examined by the local police having not been found to be negative and there being nothing contrary in the police record, the local police having recommended for such grant of license not been appreciated by the licensing authority, deserves to be interfered



with in order to enable the petitioner who seeks such license for his personal safety. The issues of grant of Arms License to the applicant after examining the occupation and the nature of threat of the persons has been approved by the Hon'ble Division Bench in Letters Patent Appeal No. 758 of 2018 wherein the following proposition has been carved out:-

“The order of the District Magistrate, as communicated, does not indicate the existence of any valid reason, but, at the same time, the order in appeal passed by the Commissioner indicates that there was no mention of any specific security threat or danger to the appellant in the police report. Such a ground, in our opinion, would be contrary to the intent of grant of license inasmuch as it is not necessary that a person should have an actual threat or imminent threat perception, but it would suffice if the applicant is able to persuade the authority to take into consideration the nature of his trade, profession and calling for the purpose of grant of license which situation has now been taken care of under Sub-Rule (3)(a) of Rule 12 of the 2016 Rules. In this view of the matter, the question of grant or refusal of license will have to be revisited by the licensing authority where the licensing authority will have the power to make an assessment as per the aforesaid Rules, keeping in view the police report or such other factors which may be necessary for the said purpose.”

5. On the other hand, learned counsel for respondents endorsed the decision taken by the District Magistrate, Patna 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.

6. Considering the submission of the parties, this Court finds that since there is already a report of local police wherein the petitioner's nature of business has already been disclosed and such aspect having not been dealt with, by the licensing authorities in their orders, and even 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 and for better appreciation, at this stage, it would be appropriate to refer to the provision of Section 14 of the Arms Act which reads as under:

14. Refusal of licences.-

(1) Notwithstanding anything in section 13, licensing authority shall refuse to grant-

(a) a licence under section 3, section 4 or section 5 where such licence is required in respect of any prohibited arms or prohibited ammunition;

(b) a licence in any other case under Chapter II-

(i) where such licence is required by a person whom the licensing authority has reason to believe-

(1) to be prohibited by this Act or by any other law for



the time being in force from acquiring, having in his possession or carrying any arms or ammunition, or

(2) to be of unsound mind, or

(3) to be for any reason unfit for a licence under this Act; or

(ii) where the licensing authority deems it necessary for the security of the public peace or for public safety to refuse to grant such licence.

(2) The licensing authority shall not refuse to grant any licence to any person merely on the ground that such person does not own or possess sufficient property.

(3) Where the licensing authority refuses to grant a licence to any person it shall record in writing the reasons for such refusal and furnish to that person on demand a brief statement of the same unless in any case the licensing authority is of the opinion that it will not be in the public interest to furnish such statement.

7. From perusal of the above facts and circumstances, submissions of the parties and as also in light of section 14 of the Arms Act, it is evident that the District Magistrate, while rejecting the application of the petitioner and, as also, by the Appellate Authority, while dealing with the appeal of the petitioner has passed the orders being oblivious to the provisions of Section-14 of the Arms Act, which pertains to the refusal of the license only in the case of, where the security of



Public Peace and Public Safety is found to be compromised. It is not the case of the State authorities that the petitioner has been found not worthy of the license on the grounds mentioned under Section 14 of the Arms Act. The grounds, as mentioned in the impugned orders, do not in any manner indicate that the petitioner is not entitled for the arms license and as such, he has been treated to be unfit for the license under the Arms Act.

8. In view of the aforesaid consideration, this Court sets aside both the orders i.e., order dated 22.10.2024 passed in Arms Appeal No. 215 of 2024 by the Divisional Commissioner, Patna as well as the order dated 01.08.2023 passed in Memo No.12 of 2021 by the District Arms Magistrate, Patna.

9. Consequently, the District Arms 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, and in case, any new format of application having been introduced for making/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.

10. It goes without saying that all these issues which has been raised by this petitioner and the report which has been submitted by the local police placed for consideration before the District Magistrate through Superintendent of Police needs to be considered strictly in consonance with the purport of the legislation and on being satisfied, the District Magistrate is required to act in accordance with law.

11. Accordingly, the writ petition stands disposed of.

(Ajit Kumar, J)

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