

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3204 of 2025

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Anil Kumar Pandey Son of Late Ram Kripal Pandey Resident of Village-
Geruabandh, P.O. Basantpur, P.S. Harhi, District-Buxar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Bihar, Patna.
2. The Divisional Commissioner, Patna Division, Patna.
3. The District Magistrate, District-Buxar.
4. The Superintendent of Police, Buxar District-Buxar.
5. The Office-in-Charge, Police Station-Buxar. (Town), District-Buxar.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Ramchandra Singh, Adv.
For the Respondent/s	:	Mr. K.P. Gupta, GP10
		Mr. Satya Vrat, AC to GP10

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CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

5 08-04-2026 In this writ application, the petitioner has prayed for
the following relief:-

*“1. That this is an application for quashing the
order dated 14.11.2024 passed by the learned
Divisional Commissioner, Patna Division, Patna in
Arms Appeal Case No. 279/2024 by which he has
rejected the appeal of the petitioner and affirm the
order dated 16.8.2024 passed by the learned Arms
Magistrate cancelled the License of D.B.B.L. Gun
vide license no. 04/Buxar/Itarhi/ 2020 of the
petitioner, by issuance of writ in the nature of
certiorari as well as for issuance of writ in the nature*



of Mandamus or any other writ or writs, direction or directions to the respondents to restore the license of the petitioner in accordance with law as the petitioner has been acquitted of the charges as a Judgment of acquittal has been passed by the trial court vide Judgment dated 17.10.2022.”

2. Counsel for the petitioner submits that the acquittal recorded in favour of the petitioner in the criminal case being Buxar Town P.S. Case No. 222 of 2022 against which the petitioner was put on trial and judgment of acquittal has been recorded by the court of learned Judicial Magistrate, 1st Class Court no. 13, Dist. Buxar vide its judgment dated 17.10.2022 and application for the arms license, which is said to have been applied by this petitioner initially having been rejected vide order dated 18.09.2022 which was put to challenge before the Divisional Commissioner, Patna, who had set aside the order passed by the District Magistrate, Buxar, the District Magistrate was required to have considered afresh for grant of license on the basis of materials available on record but, very surprisingly, from the order impugned, it appears that the District Magistrate, Buxar, instead making fresh exercise and showing application of mind, and has no occasion for taking into account the judgment of acquittal recorded in the Buxar Town P.S. Case No. 222 of 2022, has rejected the application for grant of license which,



from the impugned order dated 16.8.2024, it appears that the earlier rejection order has been restored, which is completely in derogation of the legislative intent and as also affecting constitutional right of the petitioner, who is said to be earning his livelihood by rendering his services as guard on the strength of the Arms licence, in question.

3. Considering the aforesaid, this Court finds it appropriate to set aside the order passed by the District Magistrate, Buxar whereby the application for grant of arms license is said to have been rejected and, since the order suffers from the vice of non-application of mind, which consequently having been approved by the Divisional Commissioner, Patna, is also required to be set aside, as the judgment of acquittal has not been considered and, accordingly, the District Magistrate, Buxar is directed to consider the application for arms license afresh on the basis of materials available on record as on today.

4. In view of the aforesaid, the petitioner is directed to file a representation bringing on record the subsequent development for consideration of his original application filed for grant of arms license.

5. It is expected that on filing of such application, the District Magistrate, Buxar will consider it in accordance with



the legislative intent and as also by considering the judgment of acquittal, which is said to have been recorded by the court of learned Judicial Magistrate, 1st Class Court no. 13, Dist. Buxar, which has attained finality, within a period of eight weeks.

6. With the aforementioned observation and direction, the writ petition stands disposed of.

(Ajit Kumar, J)

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