

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5978 of 2025

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Ajay Kumar Srivastava Son of Late Madan Mohan Prasad Srivastava
Resident of Mohalla-R.M.S. Colony, P.S.-Kankarbagh, District-Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Home Department, Govt. of Bihar, Patna.
2. The Principal Secretary, Home Department, Govt. of Bihar, Patna.
3. The Divisional Commissioner, Patna.
4. The District Magistrate, Patna.
5. The Superintendent of Police, Patna.
6. The Sub-Divisional Police Officer, Sadar, Patna.
7. The Arms Magistrate, Patna.
8. The Officer-in-Charge, Kankarbagh, District-Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : M/s Sharda Nand Mishra, Ranjan Kr Jha, Isha Mishra, Advocates
For the Respondent/s : Mr.Government Pleader (25)

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CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

3 06-04-2026 Heard learned counsel for the petitioner and the respondents.

2. This writ application has been filed seeking the following reliefs:-

i) For issuance of writ in the nature of certiorari for quashing the order dated 23.03.2023 passed by Respondent Commissioner, Patna Division, Patna in Arms Appeal No. 372/2022 by which he rejected the appeal filed by the petitioner in the light of the order dated 15.11.2022 passed in CWJC No.8272/2021 only on the ground that on the date of hearing petitioner and his Learned Counsel was absent, for reason, not interfered



the order dated 23.12.2015 and its communication to the petitioner bearing Memo No.44 dated 06.01.2016 passed by District Magistrate, Patna.

ii) For further quashing the order dated 23.12.2015, communicated to the petitioner bearing Memo No.44 dated 06.01.2016 passed by District Magistrate, Patna by which the application bearing Arms Case No. 09-77/2010 for issuance of the Arms License to the petitioner has been rejected, on the ground that the petitioner is not residing at the address mentioned in the application rather residing in Delhi and has no any special reason for issuance of the Arms License to the petitioner, hence application of the petitioner rejected under section 13 (3) (b) and section 14 of the Arms Act, 1959.

iii) For further issuance of direction to the Divisional Commissioner, Patna to reconsider the Arms Appeal No.372/2022 filed in the light of the order dated 15.11.2022 passed in CWJC No.8272/2021 by giving due opportunity of hearing for producing his case.

iv) For further issuance of direction to the authority concerned to consider case of the petitioner for granting of the Arms License on account of the threat to the life and property to the petitioner and also taking into consideration that the earlier license was issued in the name of the father of the petitioner now he died.

v) For further issuance of direction to respondents for considering the appeal filed before the Commissioner and also issuing direction to the respondent District Magistrate for considering the application of the petitioner on the ground they are residing at address, which is given in his application.



vi) For further giving other legal consequential benefit to the petitioner.

3. Learned counsel for the petitioner submits the reasons for rejection which has been incorporated in the order impugned dated 23.12.2015 in Arms Case No. 09-77/2010 passed by District Magistrate, Patna, goes to show that by referring Section 13 (3) (b) and Section 14 (1) (b) (2) of Arms Act 1959, wherein, the Licensing Authorities have been empowered to refuse to grant a license on satisfaction, when it transpires to the authorities that for security of the public peace or for public safety, would be endangered. It has next been submitted that the petitioner's application for obtaining license has been rejected by the authorities on the ground that the petitioner does not reside at the address given in his application, which is not an essential requirement for grant of Arms License to the petitioner, while the fact is that at the time of investigation, the petitioner had gone to Delhi, which reflects from the order impugned itself.

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 sought 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

5. On the other hand, learned counsel for the 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 the appellate authorities have not considered the 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 and the Appellate Authority, while rejecting the application of the petitioner, have passed the orders, being oblivious of the legal requirement of the provisions of Section 14 of the Arms Act, which provides for refusal of the license only in the case, 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 by recording reasons to that effect.

8. In view of the aforesaid, this Court sets aside both the orders i.e., order dated 23.03.2023 passed in Arms Appeal No. 372/2022 by the Divisional Commissioner, Patna as well as the order dated 23.12.2015 passed in Arms Case No. I09-77/2010 by the District Magistrate, Patna

9. 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 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 the date of filing of a representation by the petitioner before the authorities concerned.

10. Needless to say, a police report may be called for from the local police before adjudication of the application in question.

11. Accordingly, the writ petition stands disposed of with the aforesaid direction.

(Ajit Kumar, J)

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