

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3669 of 2025

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Shyam Sundar Prasad S/o- Late Bhrgunath Prasad Resident of Village - Kali Bag Jora Inar, P.S.- Bettiah Nagar (Kali Bag O.P.), District - West Champaran at Bettiah, Bihar.

... .. Petitioner/s

Versus

1. The state of Bihar through the Home Secretary, Government of Bihar.
2. District Magistrate, West Champaran at Bettiah. Divisional Commissioner, Tirhut division, Muzaffarpur.
3. District Arms Magistrate, West Champaran at Bettiah.
4. Additional District Magistrate (Arms), West Champaran, at Bettiah.
5. Superintendent of Police, West Champaran, at Bettiah.
6. S.H.O. Bettiah Nagar, Police Station, West Champaran, at Bettiah.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Manisha Pandey, Adv.
For the Respondent/s : Mr. Kumar Alok, Standing Counsel (07)

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CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

4 23-03-2026 Heard learned counsel for the petitioner and learned

Standing Counsel-07 for the State.

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

*“That this is an application
for quashing the order dated
02.01.2025 passed in Arms Appeal
Case No. 149/2024 by the
Commissioner, Tirhut Division,
Muzaffarpur whereby the appeal
preferred by the petitioner against the*



order dated 09.03.2024 contained in Memo No. 89/Arms, dated 09.03.24 passed in Case No. 05/2024 by the District Magistrate, West Champaran, Bettiah was rejected; for quashing the order dated 09.03.2024 (communication to the petitioner by memo no. 89/Arms, West Champaran, Bettiah whereby and where under he was pleased to reject the petitioner's application for grant of a N.P.Bore Rifle license, for directing the respondent authorities especially the district magistrate, West Champaran to grant to the petitioner a N.P. Bore Rifle license without any delay and for all consequential reliefs to which the petitioner is found entitled during the course of hearing of this writ application. And other relief which the petitioner found deserving to be granted for arms license under the



Arms Act 1959 as well as 25 of the Arms Rule, 2016 under the facts and circumstances of the case.”

3. Learned counsel for the petitioner submits that the impugned order has been passed pursuant to the direction issued by this Court on 02.05.2023 passed in CWJC No. 12152 of 2022 and the reason for rejection which has been incorporated in the order impugned dated 09.03.2024, goes to show that the authorities/District Magistrate, West Champaran, Bettiah 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, which has been filed on the ground of the antecedent, has already been examined by the local police and as also by the Superintendent of Police, wherein, there is a specific report that the petitioner is dealing in the business of gold and silver in Meena Bazar and was subjected to murderous attack by unknown persons for which Kali Bagh PS Case No. 239 of 2000 (Annexure P/2) was registered, which facts have



not been considered whereas, these facts have been incorporated in the original order and as also in the appellate order passed by the Commissioner, Tirhut Division, Muzaffarpur, who has upheld the decision of the District Magistrate, West Champaran, Bettiah. Learned 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, Sri Kumar Alok, learned Standing Counsel-07, supports the decision taken by the District Magistrate, West Champaran, Bettiah and as also that of the Commissioner, Tirhut Division, Muzaffarpur, 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 that since there is already a report of local police wherein the petitioner's nature of business has already been spelled out and as also a murderous attack, which has already been made on this petitioner, 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 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 both the orders *i.e.*, order dated 09.03.24 passed in Case No. 05/2024 by the District Magistrate, West Champaran, Bettiah as well as the order dated 02.01.2025 passed in Arms Appeal Case No. 149/2024 by the Commissioner, Tirhut Division, Muzaffarpur (Annexures P/4 and P/5 respectively).



6. Consequently, the District Magistrate, West Champaran, is directed to adjudicate the claim of the petitioner for grant of license on the basis of earlier application filed by this petitioner on 12.07.2018 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 petitioner stands allowed.

(Ajit Kumar, J)

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