IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4418 of 2022

CNR No. BRHC010196622022

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Randhir Kumar Singh @ Nripendra Kumar Singh, son of Awadhesh Prasad Singh, Resident Village-Tetar, P.S.-Atri, District-Gaya.

... ... Petitioner/s

Versus

1. The State of Bihar.
2. The Commissioner Magadh Division, Gaya.
3. The District Magistrate, Gaya.
4. The Senior Superintendent of Police, Gaya.
5. The Officer In-Charge Atri Police Station, District-Gaya.

... ... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Shivendra Prasad, Advocate
	:	Mr. Priya Ranjan, Advocate
For the Respondent/s	:	Mr. Manoj Kumar Singh, GA-08
	:	Mr. Saroj Kumar Yadav, AC to GA-08

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 29-10-2026 Heard Mr. Shivendra Prasad learned council for the petitioner duly assisted by Mr. Priya Ranjan and Mr. Saroj Kumar Yadav for the State.

2. The present writ petition has been preferred for the following relief/s:

"for issuance of an appropriate writ(s), order(s), direction(s) for quashing the order dated 02.12.2021 passed by learned Commissioner Magadh Division, Gaya in Arms Appeal No. 237 of 2021 whereby and where under the Arms appeal of

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the petitioner preferred against the order dated 22.06.2020 passed by learned District Magistrate, Gaya in Arms Case No. 13 of 2020 has been dismissed. The petitioner also prays for quashing of the order dated 22.06.2020 passed by learned District Magistrate, Gaya in Arms Case No. 13 of 2020. The petitioner further prays for any other relief(s) for which the petitioner may be found entitled in the facts and circumstances of the present case."

3. The petitioner was earlier having arms license no.1157 of 1991. Subsequently, in Atri PS case no.260 of 2018 registered on 31.07.2018, he was made an accused under sections 147/148/149/341/323/324 and 307 of the IPC and Section 27 the Arms Act. This followed the process for cancellation of the arms license. The District Magistrate Gaya took up the case and after hearing the parties vide reasoned order dated 22.06.2020 taking into account the report of the Police, cancelled the arms license no.1157 of 1991 (Nawada Gaya OD no. O927 of 1992.

4. Aggrieved, the petitioner preferred appeal before the Commissioner (respondent no.2), Magadh Division, Gaya.

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The record shows that on 12.11.2021 it was taken up by the concerned authority and directed it to be placed on 02.12.2021.

5. On 02.12.2021, after recording that the appellant is present, the only word that has been used by the Commissioner Magadh Division Gaya is **(Dismissed)**.

6. Learned counsel for the petitioner submits that a perusal of the order would show that there is complete non-application of mind on the part of the Divisional Commissioner, Magadh Division Gaya (now Gaya Ji) inasmuch as neither the petitioner/appellant was allowed to put forward his view nor the State was heard and in one cryptic word the appeal was dismissed.

7. Learned State counsel though took this Court to the FIR lodged against the petitioner failed to support the decision taken by the Commissioner Magadh Division Gaya as to why a reasoned order was passed and under what circumstance he chose to ignore the provisions of appeal while dismissing the petitioner.

8. In that background, this Court has no option but to quash the order dated 02.12.2021 passed by the Divisional Commissioner Magadh Division Gaya Ji and the matter is remanded back to the concerned authority.

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9. It is made clear that upon receipt of the order, the parties shall be noticed, heard and a reasoned order has to passed by the Divisional Commissioner Magadh Division Gaya Ji.

10. With the aforesaid observation, the writ petition stands disposed of.

(Rajiv Roy, J)

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