

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4646 of 2026

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Rajesh Kumar S/o Mithila Sharan Singh, R/O- Mohiuddinpur, Barah, P.S.-
Punpun, Distt- Patna, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through Chief Secretary, Old Secretariat, Govt. of Bihar,
Patna.
2. Commissioner, Patna Division, Patna.
3. District Magistrate, Collectorate, Patna.
4. Arms Magistrate Collectorate, Patna.
5. Senior Superintendent of Police, Patna.
6. Additional District Magistrate Collectorate, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Dr. Ajay Shankar Rajoo, Advocate
For the Respondent/s	:	Mr. S.D. Yadav, AAG-9.
		Mr. Braj Bhushan Mishra, A.C. to AAG-9.

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CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

2 11-05-2026 Heard learned counsel for the petitioner and learned
counsel for the State.

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

*“(i). For issuance of an appropriate writ/s
for setting aside the order daed 03.01.2026 passed by
respondent No.2 in Arms Appeal No.86/2025 which is
contained in Annexure P/1.*

*(ii) For setting aside the order dated
31.01.2025 issued vide memo no.319 Arms Patna
passed by the respondent no.3 in Miscellaneous Arms
Case No. IX-598/23 contained in Annexure P/2.*

3. Learned counsel for the petitioner submits that due



to business rival and social work, the petitioner is under threat and for saving his life and property, he requires arms license from the authority concerned. Counsel for the petitioner submits that the petitioner applied for an arm-license before the District Magistrate Patna, whereafter the District Magistrate issued two letters to the Senior Superintendent of Police Patna and Office In-charge, Dhanarua police station but, when nothing was done, the petitioner filed CWJC No. 17481 of 2024 for redressal of his grievance which was disposed of with a direction to the District Magistrate/District Arms Magistrate, Patna to dispose off the application filed by the petitioner, for grant of arms license but, the District Magistrate, without considering the threat to life and property and as also there being no adverse recommendation of police, rejected the application of the petitioner. It is next submitted that pursuant to the order dated 21.11.2024 passed by this Court in CWJC No. 17481 of 2024, the District Magistrate, Patna passed the order rejecting the application of the petitioner for grant of arms license which is contained in Memo No. 3598 dated 17.10.2023. It is further submitted that to avail the remedy available to the petitioner to file an appeal, the petitioner filed an Arms Appeal before the learned court of Commissioner, Patna Division, Patna in Arms Appeal No. 86 of 2025, which



was rejected without considering the grounds of threat by passing the impugned order dated 03.01.2026. 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, counsel for the State supports the decision taken by the Divisional Commissioner, Patna 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 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 the Memo No. 319 dated 31.01.2025 passed by the District Magistrate, Patna and the order dated 03.01.2026 passed by the learned court of commissioner, Patna vide Arms Appeal case No. 86 of 2025.

6. 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 on 20.03.2024 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 eight weeks from filing of a



representation by the petitioner before the authorities concerned.

7. Accordingly, the writ petition stands disposed of

(Ajit Kumar, J)

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