

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9611 of 2025

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Indramani Singh Son of Late Suresh Kumar Singh Resident of Village-
Kauriya, Police Station-Bihiya, District-Bhojpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Home Secretary, Police Department, Bihar, Patna.
2. The Divisional Commissioner, Patna Division, Patna.
3. The District Magistrate, Bhojpur, Arrah.
4. The Superintendent of Police, Bhojpur, Arrah.
5. The Officer-in-Charge, Police Station-Bihiya, District-Bhojpur, Arrah.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Singh, Advocate
For the Respondent/s : Mr. Standing Counsel (7)

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CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

3 24-07-2026 Heard learned counsel for the petitioner and learned
counsel for the State.

2. The writ petition has been filed for the following
reliefs :-

*(i) For issuance of writ in nature of
certiorari to quash the order dated 05.10.2023
passed by Divisional Commissioner, Patna in Arms
Appeal No. 135 of 2019 by which the Arms Appeal
of the petitioner has been dismissed and further
directed to quash the order dated 23.08.2018
passed by the learned District Magistrate, Bhojpur,
Arrah in Arms Case No. 20 of 2018 by which the*



prayer of petitioner for grant/transfer of Arms Licence has been refused/dismissed after death of father of petitioner.

(ii) For issuance of writ in nature of mandamus for directed to the Respondent authority to grant Arms Licence in the favour of petitioner, because the petitioner is legal heirs of licence holder.

(iii) For grant of any other relief or reliefs as your Lordships may deem fit and proper.

3. Learned counsel for the petitioner submits that the application for grant of an arms license, along with the requisite fee and the no-objection certificates of the father, mother, brother, and sisters, arms deposit receipt, license book, death certificate, affidavit and age certificate, in compliance of the letter issued by the Arms Magistrate, as contained in Letter No.483 dated 14.03.2015, was submitted. However, the petitioner's claim for grant of an arms license as a legal heir, in terms of Rule 25 of the Arms Rules, 2016, has not been considered.

4. It has further been submitted that the issue relating to grant of an arms license to legal heirs has already been adjudicated by the Hon'ble Division Bench in ***L.P.A. No.1800 of 2018, Dr. Deepak Kumar vs. State of Bihar & Others*** but, ignoring the principles laid down by the Hon'ble Division Bench in its judgment dated 14.10.2019 with reference to Rule 25 of



the Arms Rules, 2016, which provides for grant of an arms license to legal heirs, the authorities have failed to adhere to the mandate and giving appropriate interpretation of the provisions as envisaged under the Rules and have not considered the petitioner's claim for grant of an arms license, as per the legislation in law.

5. On the other hand, learned counsel for the State submits that the requisite no-objection certificate (NOC), as required for grant of an arms license by invoking the provisions of Rule 25 of the Arms Rules, 2016, was not placed for consideration before the licensing authority. It has next been submitted that even the judgment relied upon by the learned counsel for the petitioner does not appear to have been placed before the competent authority for consideration and accordingly, submits that appropriate directions may be issued to the licensing authority to give thoughtful consideration on the petitioner's claim strictly in accordance with the provisions of the Arms Rules, 2016 and decide the claim for grant of license, as per the law laid down.

6. Considering the fact that the requisite NOC, as required for invoking the provisions of Rule 25 of the Arms Rules, 2016, do not appear to have been placed on record before



the licensing authority, and further that the Divisional Commissioner, Patna, appears not to have afforded an effective opportunity of hearing to the petitioner, as the impugned order records that the petitioner had not appeared and an ex parte order came to be passed, while it is the case of the petitioner that he had remained present on several dates but could not appear only on the date fixed for final hearing, when impugned order came to be passed.

7. In such view of the matter, this Court finds that there has been a violation of the principles of natural justice and hence, finds it appropriate to direct the licensing authority to reconsider the petitioner's claim in the light of the provisions of the Arms Rules, 2016, as well as the judgment rendered by the Hon'ble Division Bench on the subject in issue, which shall be brought to the notice of the authority by the petitioner through a representation along with a copy of the order passed by this Court.

8. Accordingly, the order dated 23.08.2017 passed by the Collector, Bhojpur at Arrah in Arms Case No.20 of 2018 as well as the order dated 05.10.2023 passed by the Divisional Commissioner, Patna, in Arms Appeal No.135 of 2019, are hereby set aside. The District Magistrate-cum-Licensing



Authority is directed to revive the petitioner's original application for grant of an arms license and pass a reasoned and speaking order strictly in accordance with law, and if required, by fetching a Police report from the concerned Police Station including giving a personal hearing to this petitioner.

9. With the aforesaid observations / directions, the present writ petition stands disposed of.

(Ajit Kumar, J)

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