

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.9575 of 2024**

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Shyam Bihari Ojha Son of Late Chanddrika Ojha Resident of village- Mahila,  
P.S.- Itarhi, District- Buxar, at present residing- Mohalla Chini Mill, P.S.  
Buxar Sadar, District- Buxar.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Divisional Commissioner, Patna.
3. The District Magistrate, Buxar.
4. The Superintendent of Police, Buxar.
5. The Sub-Divisional Officer, Sadar Anchal, Buxar.
6. The Sub-Divisional Police Officer, Buxar.
7. The District Arms Officer, Buxar.
8. The Inspector of Police, Sadar, Anchal Buxar, District- Buxar.
9. The S.H.O. of Itarhi Police Station, District- Buxar.

... .. Respondent/s

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**Appearance :**

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| For the Petitioner/s | : | Mr. Munna Prasad Singh, Adv    |
| For the Respondent/s | : | Mr. Government Advocate (9)    |
| For the State        | : | Mr. Nalin Vilochan Tiwary, Adv |

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**CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR**  
**ORAL ORDER**

4      23-07-2026                      Heard learned counsel for the petitioner and learned  
counsel for the State.

2. The present writ petition has been filed with the  
following reliefs:

*“(I) To set-a-side the order dated  
25.04.2023 passed by the learned Divisional  
Commissioner, Patna in Arms Appeal No. 145 of  
2019 by which the appeal of the petitioner has  
been rejected and confirm the order of the District  
Magistrate, Buxar regarding grant of Arms Licence  
of the petitioner for Rifle (Semi) for protection and  
safety of life and property has been rejected.*



*(ii) To Set-a-side the order 17.12.2018 passed by the respondent no.3, the District Magistrate, Buxar passed in case no. 171/2015 by which application for grant of Arms Licence of Rifle (Semi) for protection and safety of life and property has been rejected without considering the materials available on records.*

*(iii) For direction upon the concerned respondent to issue Arms licenses of Rifle (Semi) for protection and safety of life and property in favour of the petitioner.*

*(iv) For any other relief/ reliefs for which the petitioner is entitled too in the facts and circumstances of the case.”*

3. Learned counsel for the petitioner submits that the application was made in the prescribed form, along with the necessary documents, for grant of an Arms Licence for a Rifle (Semi) for the protection and safety of the life and property of the petitioner, on 19.12.2014, before respondent no. 7.

4. Since no action was taken on the said application, the petitioner moved before this Court in CWJC No. 9853 of 2018, and this Court, vide its order dated 21.06.2018, disposed of the aforesaid writ petition with a direction to the District Magistrate to consider the application of the petitioner. Thereafter, the District Magistrate, Buxar, passed an order dated 17.12.2018, by which the District Magistrate, Buxar, denied the Arms Licence to the petitioner on the cryptic ground that the petitioner had failed to produce any evidence in respect of the



death of his nephew and his cousin brother. Learned counsel for the State further submits that thereafter an appeal was filed, which was dismissed in a cryptic manner.

5. Learned counsel for the State submits that the State proceeded in accordance with the provisions of the Arms Act, 1959, and that the application for the Arms Licence was rejected for the reasons assigned in the order.

6. In view of the above, I am of the considered view that, although having an arms license is not a constitutional right but rather a privilege granted by the State, that privilege cannot be denied on the subjective satisfaction of the District Magistrate; any such discretion shall be applied objectively. Taking into consideration the police report dated 02.09.2016, column 10, sub-clause(G), where it has been asked that whether the petitioner is on the hit-list of notorious criminals, to which the report suggests “yes”. Since there has been no objective consideration by the Collector or the Commissioner in respect to threat perception of the petitioner, the order dated 17.12.2018 of the Collector and the order dated 25.04.2023 of the Commissioner are set aside.

7. The District Magistrate, Buxar is hereby directed to look into the matter afresh and shall proceed to consider the



case of the petitioner after giving an opportunity of hearing to the petitioner.

8. With the aforesaid observations, the present writ petition is allowed.

(Alok Kumar, J)

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