

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11908 of 2025

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Rajiv Kumar Son of Sri Krishna Prasad, Permanent resident of village- Satauli Bujurg, P.S.- Gaurichak, District- Patna, presently residing at Krishnachandra Nagar, Road, No. 2, behind Krishna Niketan Girls School, P.O.- Badi Pahadi, P.S.- Ramkrishna Nagar, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Home Department, Government of Bihar, Patna.
2. The Divisional Commissioner, Patna Division, Patna.
3. The District Magistrate, Patna.
4. The District Arms Magistrate, Patna.
5. The Sub-divisional Officer, Patna Sadar, Patna.
6. The Senior Superintendent of Police, District- Patna, Patna.
7. The Station House Officer, Ramkrishna Nagar Police Station, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Akshansh Ankit, Advocate
For the Respondent/s : Mr. Government Pleader (24)

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CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

3 03-07-2026 Heard learned counsel for the petitioner and learned
counsel for the State.

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

a) To set aside appellate order dated 19.06.2025 passed in Arms Appeal Case No. 333 of 2023 [Annexure P5] passed by the Respondent No. 2 (appellate authority) whereby and whereunder appeal preferred by the Petitioner has been rejected and the order under appeal, dated 11.09.2023 [Annexure P3], has been affirmed in a most illegal and arbitrary, contrary to the statutory



provisions and the principles of natural justice.

b) To set aside order dated 11.09.2023 passed in Miscellaneous Arms Case No. IX-406/2022 [Annexure P3] issued by the Respondent No. 3 (licensing authority) whereby and whereunder application for grant of arms license by the Petitioner was rejected in a most illegal and arbitrary, contrary to the statutory provisions as well as earlier direction of this Hon'ble Court.

c) For direction upon the Respondent No 3 to consider and grant arms license for one (1) N.P. Bore rifle and one (1) N.P. Bore revolver /pistol to the Petitioner, forthwith.

d) To pass any other order/orders in the nature of a consequential relief to which the Petitioner may be found to be legally entitled to in the facts and circumstances of the instant case at hand.

3. Learned counsel for the petitioner submits that the impugned order passed in Arms Appeal No. 333 of 2023 has been recorded by the Divisional Commissioner, Patna, who is the same very officer that had earlier rejected the petitioner's application for grant of an arms license, while discharging the duties of the District Magistrate, Patna. It is further submitted that the appellate authority has, in effect, become a judge in his own cause, and therefore, the order passed by him in the capacity of the appellate authority cannot be sustained. It has further been submitted that the State Government has already taken a policy decision, which is appended with the writ petition as Annexure-P6, as contained in Letter No.7851 dated



24.06.2025, which do speak of grant of such license to public representatives, in case such appropriate reports are placed for consideration.

4. On the other hand, learned counsel for the State, who does not dispute the factual position which has been raised by the petitioner and submits that the matter may be remanded for fresh consideration and that the Appellate authority is not presently the same authority, hence, the matter can be adjudicated on merits.

5. Considering the stand of the parties, this Court directs the Divisional Commissioner, Patna, to adjudicate the petitioner's claim for the grant of an arms license, keeping in view the fact that the petitioner is presently an elected Mukhiya. While doing so, the Divisional Commissioner, Patna, shall also take into consideration the averments made in paragraph 8 of the writ petition regarding the alleged threat to the petitioner's life from his political adversaries, as well as the reports submitted by the local police vide Memo No. 421 of 2023 dated 08.02.2023 and Memo No. 874 dated 14.04.2023, duly signed by the Station House Officer and forwarded to the Superintendent of Police, Patna.

6. Considering the urgency, as is referred from the



report of the S.H.O., it is expected that the entire exercise shall be undertaken expeditiously and a reasoned and speaking order shall be passed on the petitioner's application for grant of an arms license. It appears that the application was rejected solely on the ground that the petitioner's father is already holding an arms license and, therefore, the petitioner does not require a separate license, which needs to be reviewed in light of the Govt. circular dated 24.06.2025.

7. Accordingly, the writ petition stands disposed of.

(Ajit Kumar, J)

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