

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1091 of 2025

Mr. Saurav Kumar Singh S/o Shri Pawan Kumar Singh, Resident of village-Dariyapur, P.O. Fathuha, P.S. Fathuha, District - Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Home Department, Old Secretariat, Patna.
2. The Divisional Commissioner, Patna Division, Gandhi Maidan, Patna.
3. The District Magistrate, Gandhi Maidan, Patna.
4. Additional District Magistrate, Gandhi Maidan, Patna.
5. The District Arms Magistrate, Income Tax Golamber, Baily Road, Patna.
6. The Senior Superintendent of Police, Patna.
7. The Officer-In-Charge, Fathuha Police Station, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Anurag Saurav, Mr. Abhishek Kumar, Mr. Vaibhav Kumar, Advocates.
For the Respondent/s	:	Mr. Suman Kr. Jha, AC to AAG(03)

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

6 06-04-2026 Heard learned counsel for the petitioner and learned
AC to AAG-3.

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

*i) For Issuance of Writ in
the nature of Certiorari Quashing of
Order dated 19.11.2024 passed in
Arms Appeal No. 241 of 2024 whereby
and where under Divisional
Commissioner, Patna has upheld the*



order dated 07.12.2023 passed by District Magistrate, Patna in Misc. Arms Case No. IX-157/2022 whereby and where under the application filed by petitioner for providing Arms license has been rejected.

ii) For issuance of writ in the nature of certiorari for quashing the order bearing Memo no. 4097 dated 07.12.2023 in Misc. Arms Case No. IX-157/2022 passed by District Magistrate, Patna whereby and where under District Magistrate, Patna has rejected the application for issuance of Arms License filed by the petitioner without considering the threat perception of the petitioner.

iii) For issuance of writ in the nature of mandamus for directing the respondent authorities to consider the threat perceptions and nature of business of the petitioner and provide



Arms License.

iv) For issuance of any other appropriate writ (S), order(s) and direction(s) as your Lordship may deem fit and proper in the facts and circumstances of the case..”

3. Learned counsel for the petitioner submits the reasons for rejection which has been incorporated in the order impugned dated 07.12.2023 in Misc. Arms Case No. IX-157/2022 passed by District Magistrate, Patna, goes to show that the authorities/District Magistrate, Patna while referring to the provisions under Arms Act, 1959, Section 13(3) (b) and Section 14 (1) (b) (2), wherein the Licensing Authorities have been empowered to refuse to grant a license on satisfaction, where it transpires to the authorities that for security of the public peace or for public safety, the same can be refused. It has next been submitted that the petitioner's application for obtaining license has been rejected by the authorities on the ground that the recommendation sent by the Senior Superintendent Of Police, Patna *vide* letter no. 121 dated 18.01.2023., does not reflect the reason for providing Arms License to the petitioner, which finding is contrary to the report



sent by the SHO, Fatuha which is contained in Letter No. 646 dated 21.03.2022.

4. Learned counsel for the petitioner, by referring to the provisions of Section 13(3) (b) of the Arms Act, 1959 submits that the Licensing authority is provided with statutory duty to grant license under Section 3 in any other case or a license under Section 4, Section 5, Section 6, Section 10 or Section 12, if the licensing authority is satisfied that the person by whom the license is required has a good reason for obtaining the same. Though, the provisions of Section 13(3) (b) which enables the licensing authority to consider the case of the applicant for grant of license in the contingencies indicated under the said provision, still, for no prudent reason, has refused to exercise the powers to grant license ignoring the materials available on record, wherein the petitioner was attacked by 10-14 unknown persons with a solitary purpose to commit robbery, for which there is already Fatuha PS Case No. 539 of 2024 was registered by the brother of the petitioner under Section 310(2) of the BNS and section 27 of the Arms Act, and much less the requirement of such license owing to this petitioner being a Goldsmith and dealing in gold besides being a contractor has not been controverted by the local police and his character



having been examined through the *Chaukidar* and as also local person having not been found to be negative and there being nothing contrary in the police record, the local having recommended for such grant of license not being appreciated by the licensing authority deserves to be interfered with in order to enable the petitioner who seeks such license for his personal safety. The issues of grant of Arms License to the persons dealing in gold has been approved by the Hon'ble Division Bench in ***Letters Patent Appeal No. 758 of 2018*** wherein the following proposition has been carved out:-

“The order of the District Magistrate, as communicated, does not indicate the existence of any valid reason, but, at the same time, the order in appeal passed by the Commissioner indicates that there was no mention of any specific security threat or danger to the appellant in the police report. Such a ground, in our opinion, would be contrary to the intent of grant of license inasmuch as it is not necessary that a person should have an actual threat or imminent threat perception, but it would



suffice if the applicant is able to persuade the authority to take into consideration the nature of his trade, profession and calling for the purpose of grant of license which situation has now been taken care of under Sub-Rule (3)(a) of Rule 12 of the 2016 Rules. In this view of the matter, the question of grant or refusal of license will have to be revisited by the licensing authority where the licensing authority will have the power to make an assessment as per the aforesaid Rules, keeping in view the police report or such other factors which may be necessary for the said purpose."

5. On the other hand, learned AC to AAG-3 endorsed the decision taken by the District Magistrate, Patna 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.

6. Considering the submission of the parties, this Court finds that since there is already a report of local police



wherein the petitioner's nature of business has already been disclosed and as also an attempt of robbery, which has already been made on this petitioner, such aspect having not been dealt with, by the licensing authorities in their orders, and even 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 and for better appreciation, at this stage, it would be appropriate to refer to the provision of Section 14 of the Arms Act which reads as under:

14. Refusal of licences.-

(1) Notwithstanding anything in section 13, licensing authority shall refuse to grant-

(a) a licence under section 3, section 4 or section 5 where such licence is required in respect of any prohibited arms or prohibited ammunition;

(b) a licence in any other case under Chapter II-

(i) where such licence is required by a person whom the licensing authority has reason to believe-



(1) to be prohibited by this Act or by any other law for the time being in force from acquiring, having in his possession or carrying any arms or ammunition, or

(2) to be of unsound mind, or

(3) to be for any reason unfit for a licence under this Act; or

(ii) where the licensing authority deems it necessary for the security of the public peace or for public safety to refuse to grant such licence.

(2) The licensing authority shall not refuse to grant any licence to any person merely on the ground that such person does not own or possess sufficient property.

(3) Where the licensing authority refuses to grant a licence to any person it shall record in writing the reasons for such refusal and furnish to that person on demand a brief statement of the same unless in any case the licensing authority is of the opinion that it will not be in the public interest to



furnish such statement.

7. From perusal of the above facts and circumstances, submissions of the parties and as also in light of section 14 of the Arms Act, it is evident that the District Magistrate, while rejecting the application of the petitioner as well as by the appellate authority, while dealing with the appeal of the petitioner has passed the orders being oblivious to the provisions of Section 14 of the Arms Act, which pertains to the refusal of the license only in the case of, where the security of Public Peace and Public Safer is found to be compromised. It is not the case of the State authorities that the petitioner has been found not worthy of the license on the grounds mentioned under Section 14 of the Arms Act. The grounds, as mentioned in the impugned orders, do not in any manner indicate that the petitioner is not entitled for the arms license and as such, he has been treated to be unfit for the license under the Arms Act.

8. In view of the aforesaid, this Court sets aside both the orders *i.e.*, order dated 19.11.2024 passed in Arms Appeal No. 241/2024 by the Divisional Commissioner, Patna as well as the order dated 07.12.2023 passed in Misc. Arms Case No. IX-157/2022 by the District Magistrate, Patna

9. 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 vide Annexure-5, and in case, any new format of application having been introduced for making/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 six weeks from filing of a representation by the petitioner before the authorities concerned.

10. It goes without saying that all these issues which has been raised by this petitioner and the report which has been submitted by the local police placed for consideration before the District Magistrate through Superintendent of Police needs to be considered strictly in consonance with the purport of the legislation and on being satisfied, the District Magistrate is required to act in accordance with law.

11. Accordingly, the writ petition stands allowed.

(Ajit Kumar, J)

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