

**In The Court of Commissioner, Saran Division, Chapra**

**Arms Appeal No. 159/2017**

**Abhishek Kumar Singh**

**Vrs.**

**The State of Bihar**

**ORDER**

The instant appeal petition has been heard pursuant to the observation made and direction given by the Hon'ble High Court while disposing of CWJC No. 10755/2018, Abhishek Kumar Singh Vrs The State of Bihar & ors.

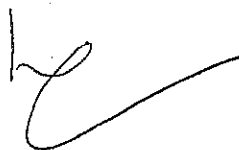
The brief facts of the case are that the appellant Abhishek Kumar Singh S/o Bipin Bihari Singh R/o Vill-Kaithwalia, P.S.+Dist-Gopalganj had filed an application before D.M. Gopalganj for seeking an arms licence for N.P. bore Revolver/Pistol. Thereafter, the learned D.M. after seeking report from police finally came to the conclusion that there was no sufficient reason for granting arms licence to the appellant as no such recommendation was made by the police authorities with respect to threat and security to the appellant and accordingly the said application was rejected vide order dt. 09.02.2016. Feeling aggrieved by the said order, the appellant preferred an appeal before this Court vide Arms Appeal No. 159/2017 and the said appeal was dismissed at the admission stage itself vide order dt. 15.02.2018, by this Court for the reason that inordinate delay was caused by the appellant in preferring the appeal and no substantial reasons were cited for such delay. This led to filing of a writ case before Hon'ble High Court vide CWJC No. 10755/2018. The Hon'ble High Court was pleased to set aside the earlier order dt. 15.02.2018 passed by this Court solely on the ground that the said order was not passed on merit and consequently remitted back the case to this Court with a direction to consider the case of the petitioner on merit and pass an appropriate order in accordance with law. This led to coming of this case before this Court.

Heard the learned counsel for the parties.

The learned counsel appearing on behalf of the appellant at the very outset of his argument submitted that the order of D.M. Gopalganj suffers from arbitrariness, non application of mind and based on extraneous consideration. He further submitted in detail as to why the appellant is in dire need of an arms licence for his security and safety. He also argued that the appellant had submitted before the D.M. Gopalganj that he owned 25-30 bigha of land located in town area and he always faced constant pressure from various quarter to sell out these land and for that reason there is serious threat to his life and property and for that the appellant had applied for granting an arms licence. The learned counsel lastly assailing the impugned order of licencing authority submitted that the licencing authority had rejected the application on the ground that there was no specific threat to the petitioner's life or property. He also submitted that as the impugned order is against the provision of law, the same is fit to be set aside and in turn this appeal be allowed.

The learned A.P.P. appearing on behalf of the D.M. Gopalganj opposed the arguments forwarded by the learned counsel for the appellant and submitted that the impugned order has been passed after considering the threat perception of the appellant \*and the said order is a reasoned order having no illegality as such the same is fit to be upheld.

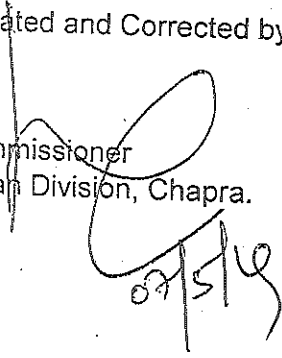
Considering the facts and circumstances of the case, material available on



records and on going through the averments made by the parties, it appears that the appellant's application for grant of licence has been refused on the ground that there was no specific report regarding threat to his life and property in the police report. It appears that the learned D.M. is wholly correct in holding that there is no threat of security and safety to the appellant and his finding was based on the report of S.P. Gopalganj. Learned District Magistrate has taken into consideration police report with respect to threat perception regarding the petitioner and, thereafter, passed a reasoned order denying grant of Arms licence to the petitioner. I find no illegality in the order of learned D.M., Gopalganj and therefore instant appeal petition is dismissed.

Dictated and Corrected by me.

Commissioner  
Sarah Division, Chapra.



Commissioner  
Sarah Division, Chapra.

