

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

**Arms Appeal No. 92/18**

**Sanjeev Kumar Singh**

**Vrs.**

**The State of Bihar**

**ORDER**

The instant appeal is directed against the impugned order passed by District Magistrate, Saran on 06.03.2018 whereby and whereunder the appellant application dated 05.08.2014 for grant of Arms licence with respect to Rifle has been rejected.

The brief facts of the case are that appellant Sanjeev Kumar Singh S/o Late Kameshwar Singh, R/o Vill-Barua, P.S.-Dighwara, Dist-Saran filed an application before the licensing authority, D.M. Saran for grant of Arms license. Thereafter, a report was called for from S.P. Saran which was sent vide letter No. 7855/confi. Dt. 05.02.2016. Then the learned D.M. finally heard the matter and finally rejected the said application of the appellant vide order dt. 06.03.2018.

Feeling aggrieved by and dissatisfied with the aforementioned refusal order passed on 06.03.2018 the petitioner has preferred the instant appeal petition before this Court.

Heard the learned counsel for the parties.

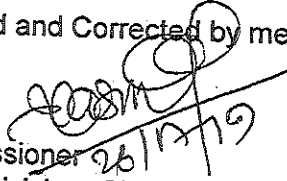
The learned counsel appearing on behalf of the appellant, at the very outset of his arguments, submitted that the impugned order is bad in law and the same is also not maintainable in the eyes of law. He further submitted that the appellant filed an application for the grant of the licence as it was necessitated in connection with his protection of life and property. The learned counsel further argued that the appellant is the contractor of restaurant and different stalls selling food items at chapra junction platform and he also runs similar business at Siwan, Durandha, Suremanpur, Gazipur, Ara, Gaya, Aurangabad, Muzaffarpur and Saharsa. He further argued that in past many times cash has been looted from his staff and even attempts have also been made on him by criminals as such the appellant feels highly insecure about his safety and security. The learned counsel also submitted that the pickup van has been stolen by unknown thieves on 15.06.16 for which Bhagwan Bazar P.S. case No. 175/16 has been lodged. The learned counsel further throwing light on the different incidents happened with the appellant in past, specifically highlighted the incident taken place in the night of 07.03.2016 in which some criminal fired on his pick up van No. BR-04Q-6766 near Dighwara block office but fortunately no harm was done as such the appellant is in dire need of Arms licence for his protection of life. He also submitted that neither the provisions contained in section-13 & 14 of the Act has not been complied with by the licencing authority while passing the impugned order and even the said order is also a non speaking order and he also referred to some reported judgements in support of his contention. He furthermore submitted that there is no licence of any arms to any members of his family. The learned counsel further submitted while assailing the impugned order of D.M. Saran, that the learned D.M. wrongly held that the appellant does not have any threat to his life and property merely relying on the report of S.P. Saran. He also submitted that without making any assessment of the threat perception of the appellant the learned D.M. relying upon the report of the S.P. Saran rejected the application which is totally illegal, arbitrary and against the observations made by Hon'ble High Court in several cases. He lastly submitted that the impugned order of D.M. Saran is fit to be set aside.

The learned A.P.P. appearing on behalf of the state, while opposing, the arguments advanced by the learned counsel for the appellant, submitted that assessment of threat perception by the licensing authority has been made an essential condition for consideration of grant of an arms license as per the detailed instruction contained in the letter No. 3026 dt. 13.04.2010 issued by the dept. of Home, Govt. of Bihar and also there is no specific report regarding any incident of threat of life and property to the appellant in the police report. As such the appellant does deserve to be considered for the grant of licence. He also submitted that the learned D.M. Saran has passed a reasoned and speaking order having no scope of interference.

Considering the facts and circumstances of the case, material available on records and on going through and 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 this finding was based on the report of S.P. Saran. In fact arms licence are normally issued by the licencing authority on his subjective satisfaction. In the instant case it is quite obvious that the D.M. Saran acting as licencing authority passed a reasoned order.

In the light of abovementioned facts, I do not find any illegality in the impugned order, hence the same is upheld and accordingly this appeal petition is dismissed.

Dictated and Corrected by me.

  
Commissioner 26/12/19  
Saran Division, Chapra.

  
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Saran Division, Chapra.