

**In The Court of Commissioner, Saran Division, Chapra**  
**Arms Appeal No. 162/2017**  
**Sharwan Kumar**  
**Vrs.**  
**The State of Bihar**  
**ORDER**

The instant appeal is directed against the impugned order passed by District Magistrate, Saran on 04.07.2017 in Arms licence case No. 332/2018 whereby and whereunder the appellants application for grant of Arms licence with respect to Pistol has been rejected.

The brief facts of the case are that appellant Sharwan Kumar S/o Umashankar Mahto, R/o Vill-Saraiya, P.S.-Baniyapur, Dist-Saran filed an application before the licencing authority, D.M. Saran for grant of an Arms license for Pistol. Thereafter, a report was called for from S.P. Saran which was sent vide letter No. 7061/confi. dt. 18.11.16. Then the learned D.M. finally heard the matter and rejected the said application of the appellant.

Feeling aggrieved by and dissatisfied with the aforementioned refusal order passed on 04.07.2017 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 for his safety and security. He further submitted that the appellant is a former Mukhia and his wife is a setting Mukhia and several people who were enemical to her in the last election, were running after her life and it was for that reason he filed an application for grant of arms licence. The learned counsel further submitted that previously four attacks have been made on his life as such the appellant feels constant threat to his life and property. He also argued that without considering the merit of the claim of the appellant regarding his need of licence, the learned D.M. wrongly concluded that the appellant wants licence only for status symbol. He also submitted that keeping in view the threat perception of the appellant the appellant be granted an arms licence. 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.

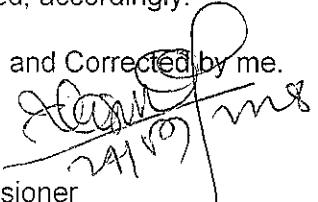
The learned A.P.P. appearing on behalf of the state, while opposing, the arguments advanced by the learned counsel for the appellant, submitted that assessment of threat perception by the licensing authority has been made an essential condition for consideration of grant of an arms license as per the 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 not 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 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. Even the appellant also failed to furnish substantial reasons regarding need of licence or any proof of specific instance of threat before the licencing authority. I do not find any apparent illegality in the said order of D.M. Saran.

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

Dictated and Corrected by me.

  
24/9/18  
Commissioner  
Saran Division, Chapra.

  
24/9/18  
Commissioner  
Saran Division, Chapra.