In The Court of Commissioner, Saran Division, Chapra

Arms Appeal No. 123/2016

Biresh Kumar Singh

Vrs.

The State of Bihar

ORDER

The instant appeal is directed against the impugned order passed by District Magistrate, Saran on 25.02.2016 whereby and whereunder the appellants application for grant of Arms licence with respect to Revolver has been rejected.

The brief facts of the case are that appellant Biresh Kumar Singh S/o Late Murari Singh, R/o Vill-Dahiwayan Tola Tari, P.S.-Chapra Muffacil., 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. 322/confi. Dt. 15.01.2016. 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 18.02.2016 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 safety and security of life and property. He further submitted that there is land dispute with the appellant is running in the Court of Sub-judge-5, Chapra in the name of Title suit No. 162/12 Ranjeet Kumar Singh vrs Biresh Kumar Singh. He also submitted that in course of this proceeding on many occasions he and his family has receipt threat and even on 06.01.2016 a dacoity was committed in house of his cousin. He furthermore also 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. Even the appellant also failed to furnish substantial reasons regarding need of licence or any specific instance of threat before the licencing authority with regard to threat to his life and property.

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 merit is dismissed, accordingly.

Dictated and Corrected by me.

07/09/2017

Commissioner
Saran Division, Chapra.

07/09/2017

Commissioner
Saran Division, Chapra.