

**In The Court of Commissioner, Saran Division, Chapra**  
**Arms Appeal No. 69/2016**  
**Yugal Kishor Singh**  
**Vrs.**  
**The State of Bihar**  
**ORDER**

The instant appeal petition is directed against the impugned order passed by District Magistrate, Saran on 07.01.2016 whereby and whereunder the appellant's application for grant of Arms licence with respect to Revolver/Pistol has been rejected.

The brief facts of the case are that appellant Yugal Kishor Singh S/o Chandrakete Singh, R/o Charihara, P.S.-Mashrakh., Dist-Saran filed an application which was subsequently taken for consideration pursuant to the direction given by the Hon'ble High Court in CWJC No. 16683/2015 on 03.11.2015. to licensing authority, D.M. Saran. The learned D.M. after receiving the report from S.P. Saran vide letter No. 6421/Confi. dt. 26.11.15 and again an another report vide letter No. 170/Confi. dt. 09.01.2016 and then heard the appellant and finally vide order dt. 07.01.2016 rejected the said application for grant of Arms license.

Feeling aggrieved by and dissatisfied with the aforementioned refusal order passed on 07.01.2016, 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 inasmuch as the said order is completely based on surmises and conjecture. He further submitted that the appellant filed an application for grant of licence as it was necessitated for his security and safety of his life as he is a leading cultivator and successful business man having brick klin business. He further argued that the appellant is also a leading contractor of Road Construction and Building Construction Department and for which he has to move from one place to another carrying huge cash amount as such there is constant and imminent danger to the life of the appellant. The learned counsel also submitted that the appellant has received several threatening letters from the Maoist organization for which police was informed and also has been entered in station diary. He further while assailing the impugned order of D.M. Saran, submitted that the learned D.M. has wrongly mentioned in his order that the appellant's father was already holding a licence of D.B.B.L. Gun but the fact is that the appellant's father have never got any arms licence. The learned counsel also submitted that the learned D.M. without considering the report of police officials which was in favour of appellant, rejected the application for grant of licence. He also submitted that without making any assessment of the threat perception of the appellant, the learned D.M. 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.

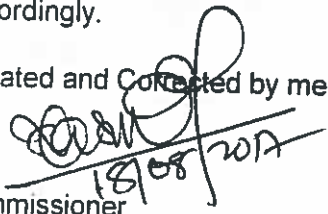


3.04.2010 issued by the dept. of Home, Govt. of Bihar and also there is no specific report regarding any incident of threat of life and property to the appellant in the police report. But the conceded the fact that the appellant is a contractor and having Brick Klin business and in past socialist sent threatening letters to him. 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 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 this appeal being completely devoid of merit is dismissed, accordingly.

Noted and Corrected by me.

  
Commissioner  
Saran Division, Chapra.

  
Commissioner  
Saran Division, Chapra.