

**In The Court of Commissioner, Saran Division, Chapra**  
**Arms Appeal No. 70/2016**  
**Dheeraj Kumar Singh**  
**Vrs.**  
**State of Bihar**  
**ORDER**

08.06.2016- The instant appeal application is directed against the impugned order passed by D.M. Saran in Arms Licence case No. 79/2015 on 28.01.2016 which has been communicated to the appellant vide memo No. 49 dated 10.02.2016 whereby and whereunder the appellants prayer for grant of Arms Licence for N.P. Bore Rifle was rejected.

The brief facts of the case are that the appellant Dheeraj Kumar Singh S/o Ajay Kumar Singh R/o Sri Nandan Path, west of Municipal Chowk, Sahitya Presh, Dahiyawa, P.S.-Chapra Town, Dist-Saran filed an application before the licencing authority, the D.M. Saran on 21.06.2013 for grant of an Arms Licence for N.P. Bore Rifle. Thereafter, a police report was called for which was sent by S.P. Saran vide letter No. 2283/Confi. dt. 16.05.2015 and this led to initiation of the case before D.M. Saran. Furthermore notice to the appellant was issued by memo No. 1024 dt. 29.12.2015 directing the appellant to remain present during hearing on 21.01.2016. But on the said day hearing could not be held due to other preoccupation of the D.M. Saran and accordingly the next date 28.01.2016 was fixed for hearing and the appellant participated in the proceeding. The learned D.M. after hearing the parties finally vide his order dt. 28.01.2016 rejected the said application for grant of Arms Licence for the reason that the appellant did not have any real threat to his life and property rather the appellant seeks arms licence solely for status symbol. Feeling aggrieved by the said order the appellant has preferred the instant appeal petition before this Court.

Heard the learned counsel for the parties.

The learned counsel appearing on the behalf of the appellant while assailing the impugned order passed by D.M. Saran submitted that the said order has been passed without considering the relevant provision of the Arms Act 1959 as there is no specific provision in the said Act to assess the threat looming on the person seeking an arms licence for his personal safety and security. The learned counsel further submitted that the learned D.M. ought to have considered all the facts and circumstances mentioned in the application form which was also duly affidavit by the appellant. It is also submitted that the learned D.M. ought to have considered that the appellant is a practicing Criminal Advocate of Chapra Bar Association and also comes from a respectable family. It is also submitted that the learned D.M. also failed to consider the recommendation made in favour of the appellant for grant of Arms licence by the different authorities. He lastly submitted that the impugned order is highly illegal, unreasoned and unsustainable, hence the same is fit to be set aside and this appeal petition be allowed.

The learned A.P.P. appearing on behalf of the D.M. Saran, while supporting the impugned order submitted that nothing is available in the police report that any sanha has been lodged by the appellant previously with respect to any threat to his life as such the impugned order is legally valid and appropriate.

Considering the facts and circumstances of the case, material available on records, pleadings advanced by the learned counsel for the parties and on perusal of the impugned order it is seen that the appellant's application for grant of an arms licence for N.P. Bore Rifle has been rejected by the licencing authority, the D.M. Saran mainly on the

b

ground that nothing was mentioned in the police report about any threat to the life and property of the appellant or his other family members nor the appellant explained about any untoward incident and even he failed to mention as to when his maternal Grand father was killed, what was the FIR no and what was the present status of the said case and he also failed to produce any paper or evidence in support of his claim relating to threat perception. It is also seen that the learned D.M. has noted that the appellant wants licence only for using the same for status symbol and if the arms licence are issued on such ground there is every possibility of increasing domestic and social tension transforming the same into social violence, which in turn would prove dangerous for maintaining public safety and security. This findings of the learned D.M. certainly seems to be valid to some extent in view of the fact that the appellant has failed to cite any specific instance of any threat to his life and property so as to enable the licencing authority to consider the case of the appellant. However, the appellant's claim is that his application for grant of licence has been rejected on the ground of lack of any specific threat perception upon the petitioner which is contrary to the provision of section. 14 of the Arms Act. The learned D.M. who is the licencing authority has to take decision whether to grant or refuse the arms licence by rationally assessing the threat perception of the individual and if he is not satisfied, then the same can not be challenged.

In that view of the matter the impugned order of D.M. Saran is upheld and this appeal petition is dismissed.

Dictated and Corrected by me.

*2.6.16*  
Commissioner,  
Saran Division, Chapra

*2.6.16*  
Commissioner,  
Saran Division, Chapra