

**In The Court of Commissioner, Saran Division, Chapra**  
**Arms Appeal No. 11/2017**  
**Kaushal Kishor**  
**Vrs.**  
**The State of Bihar**  
**ORDER**

The instant appeal is directed against the impugned order passed by District Magistrate, Saran on 11.02.16 whereby and whereunder the appellant's application for grant of Arms licence with respect to N.P. Bore Rifle has been rejected.

The brief facts of the case are that appellant Kaushal Kishor S/o Late Kalika Rai, R/o Vill- Thahra, P.S.-Maker, Dist-Saran filed an application before the licencing authority, D.M. Saran for grant of an Arms license. Thereafter, a report was called for from S.P. Saran which was sent vide letter No. 4887/confi. dt. 08.09.15. 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 11.02.16 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 argued that the appellant himself appeared before D.M. Saran and stated that his house is situated in Maker block which is a naxal affected area and his brother runs an agricultural centre in Maker Bazar and also an attack was made in the year 2012 by some persons in which, tractor and Maxi truck were set ablaze for which FIR was lodged vide Maker P.S. case No. 23/12 under different sections of IPC. The learned counsel further said that as the appellant was facing grave danger to his life and property, he applied for the arms licence and even in the police report also necessity of arms licence to the appellant was mentioned. 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.

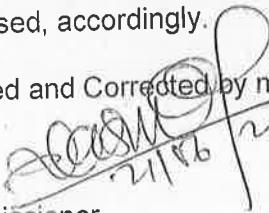
The learned A.P.P. appearing on behalf of the state, while opposing, the arguments advanced by the learned counsel for the appellant, submitted that assessment of threat perception by the licensing authority has been made an essential condition for consideration of grant of an arms license as per the 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 report sent by S.P. Saran. 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 the averments made by the parties, it appears that the appellant's

application for grant of licence has been refused by the licencing authority 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 appellatant 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 regarding threat perception and for some other relevant reasons. In the instant case it is quite obvious that the D.M. Saran acting as licencing authority passed a reasoned order. Even the appellatant also failed to furnish substantial reasons regarding need of licence or any proof of specific instance of threat before the licencing authority.

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.

  
21/06/2018

Commissioner  
Saran Division, Chapra.

  
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Saran Division, Chapra.