

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14364 of 2024

Sanjay Kumar Yadav son of Rajeshwar Yadav, Resident of Village-Bigrahpur,
P.O.-G.P.O., P.S.-Jakkanpur, District-Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Home Department, Government of Bihar, Patna.
2. The Principal Secretary, Home Department, Government of Bihar, Patna.
3. The Commissioner, Patna Division, Patna.
4. The District Magistrate, Patna.
5. The Senior Superintendent of Police, Patna.
6. The Dy. S.P. Patna.
7. The S.H.O. Jakkanpur P.S., District-Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Shailendra Kumar Singh, Adv
For the Respondent/s	:	Mr. Government Pleader 22

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR
ORAL JUDGMENT

Date: 23.09.2026

Heard learned counsel for the petitioner and learned
counsel for the State.

2. In the instant writ petition, the petitioner has prayed
for the following reliefs:

*“(i) Issuance of appropriate writ/order for
quashing the order dated 03.08.2023 passed by
District Magistrate, Patna as contained in memo
No.2731 dated 04.08.2023 whereby and*



whereunder application of petition to issue Arms Licence of one N.P. Bore Revolver/Pistol has been rejected and also the order dated 30.04.2024 passed by Divisional Commissioner, Patna in Arms Appeal No.272/2023 dismissing the appeal and confirming the order of the Collector.

(ii) Issuance of appropriate writ/order commanding the respondents to issue Arms Licence to the petitioner as prayed in his application for Arms licence one N.P. Bore Revolver/Pistol.

(iii) Issuance of any other relief to which petitioner found entitled to in the facts and circumstances of the case.”

3. The case of the petitioner is that he is a builder and Director of Bigrahpuram Developers Pvt. Limited, apprehending threat to his life while travelling day and night in course of his business, applied on 17.01.2023 for grant of an Arms Licence of one N.P. Bore Revolver/Pistol, upon which Miscellaneous Arms Case No. IX-49/2023 was registered; that the report called for from the S.S.P., Patna, and in turn from the S.H.O., Jakkanpur, was favourable and recommended grant of the licence; that despite such recommendation, the District Magistrate, Patna rejected the application vide order dated 04.08.2023 (memo No. 2731), and the appeal preferred thereagainst was also dismissed by the Divisional Commissioner, Patna vide order dated 30.04.2024 in Arms



Appeal No. 272/2023.

4. Learned counsel for the petitioner submitted that the S.H.O., Jakkanpur, upon enquiry, had recommended grant of the Arms Licence to the petitioner, which recommendation was forwarded and endorsed by the S.S.P., Patna to the District Magistrate; and that the District Magistrate, while rejecting the application, did not record any reason for the refusal, rendering the order arbitrary and unsustainable in law

5. Learned counsel for the petitioner further submitted that although Ramkrishna Nagar P.S. Case No. 502/2021 (under Sections 447/427/379/354/504/506/34 I.P.C.) was cited against the petitioner, the petitioner has since been acquitted of the said charges vide judgment dated 23.02.2024 passed by the learned Addl. Chief Judicial Magistrate-XIII, Patna.

6. Learned counsel for the petitioner lastly submitted that the petitioner, being a builder who apprehends threat to his life and property in the course of his business and travels widely, has a genuine requirement for the Arms Licence and that the petitioner has also undergone training in Arms Shooting at the Deoghar District Rifle Shooting Association, a certificate whereof was issued on 07.12.2022 and as such the refusal of the Arms Licence is violative of Article 21 of the Constitution of



India.

7. Learned counsel for the State/Respondent No. 4 submitted that the District Magistrate, Patna, after considering the police report which disclosed the pendency of Ramkrishna Nagar P.S. Case No. 502/2021 under Sections 447/427/379/354/504/506/34 I.P.C. against the petitioner, and in exercise of powers under Section 14(1)(b)(ii) of the Arms Act, 1959 read with Rule 12(3)(a) of the Arms Rules, 2016, rejected the application vide order dated 04.08.2023, and that the said order was affirmed by the Divisional Commissioner, Patna vide order dated 30.04.2024 in Arms Appeal Case No. 272/2023.

8. Learned counsel for the State further submitted that under Section 14(1)(b)(ii) of the Arms Act, 1959, the licensing authority is bound to refuse a licence where it deems it necessary for the security of public peace or public safety, and that the orders passed by the District Magistrate and the Divisional Commissioner, being based on the material on record, are justified in the eyes of law and the writ petition is devoid of merit.

9. Having heard the parties and perused the materials on record, it becomes imperative to reiterate that, it is true that



citizens have no fundamental right to bear arms. Unlike in the United States, possessing or carrying a firearm in India is strictly a regulated privilege governed by statutory law of the Arms Act of 1959. The grant, refusal, renewal, or cancellation of an arms license is accordingly subject to well-defined statutory and judicial safeguards, as summarized below:

(i) Under section 14 and section 17 of the Arms Act, authorities cannot reject or revoke a license based on vague allegations, whims or caprice; such decisions require recorded, objective reasons showing genuine danger to public peace or safety.

(ii) Mere involvement or registration of a routine FIR against an applicant or license holder is generally an insufficient ground for outright cancellation or refusal unless active misuse, violence, or a direct threat to public safety is demonstrated.

(iii) Police verification reports and threat assessments must be weighed conclusively, rather than dismissed or accepted through generalized assumptions.

(iv) An arms license to an individual cannot be denied solely on the ground that the applicant does not have any "specific threat or imminent danger".

(v) The authorities shall not insist upon a safety training course conducted by the accredited trainer or master accredited trainer having license under rule 39, unless the same has been notified by the Central Government by issuing a general or special order in this regard as envisaged in Rule 10(3) of the Arms Rule, 2016.



10. Applying the above to the facts of the present case, this Court finds that the rejection of the petitioner's application by the District Magistrate, Patna, and its affirmance by the Divisional Commissioner, Patna, rested substantially on the pendency of a criminal case i.e., Ramkrishna Nagar P.S. Case No. 502/2021 under Sections 447/427/379/354/504/506/34 I.P.C., registered against the petitioner. That ground, however, no longer holds, since the petitioner has since been acquitted of the said charges vide judgment dated 23.02.2024 passed by the learned Addl. Chief Judicial Magistrate-XIII, Patna a development that predates the order of the Divisional Commissioner, Patna dated 30.04.2024 affirming the rejection.

11. In these circumstances, this Court finds that the impugned order dated 04.08.2023 passed by the District Magistrate, Patna as contained in memo No. 2731, and the appellate order dated 30.04.2024 passed by the Divisional Commissioner, Patna in Arms Appeal No. 272/2023 affirming the same, are unsustainable.

12. Accordingly, the order dated 04.08.2023 passed by the District Magistrate, Patna as contained in memo No. 2731, and the order dated 30.04.2024 passed by the Divisional Commissioner, Patna in Arms Appeal No. 272/2023, are hereby



quashed.

13. Since the petitioner has been acquitted by the order dated 23.02.2024 passed by the learned Addl. Chief Judicial Magistrate-XIII, Patna, The District Magistrate, Patna is hereby directed to reconsider the application of the petitioner in light of a fresh police report and the fact that the petitioner is a builder and businessman who requires self-protection, taking into account the nature of his work. The District Magistrate, Patna shall decide the application within three months form the date of filing of a copy of this order.

14. Accordingly, with the aforesaid observations and directions, the present writ petition stands allowed.

(Alok Kumar, J)

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AFR/NAFR	NAFR
CAV DATE	14.08.2026
Uploading Date	23.09.2026
Transmission Date	N.A

