

GP-24
22/11/12

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(CIVIL WRIT JURISDICTION)**

C. W. J. C. _____ OF 2013

Abhash Anand Petitioner

Versus

The State of Bihar & others Respondents

Sub:- Arms Act.

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IN THE HIGH COURT OF JUDICATURE AT PATNA
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Abhash Anand. Petitioner

Versus

The State of Bihar & others. Respondents

Sub:- Arms Act.

SYNOPSIS OF THE CASE

05.02.2001:- Officer Incharge , Madhepura after police verification recommended for grant of license of the Revolver.

29.08.2001 :-The S.D.O. Madhepura on the basis of recommendation of Dy. S. P. , Madhepura also recommended for grant of Arms License.

03.08.2005:- The S.P., Madhepura in compliance of the memo no.61/Go of the District Magistrate, madhepura directed the Officer In-charge , Madhepura to submit enquiry report on seven points raised in the said memo.

12.12.2005:- The District Magistrate, Madhepura noticed the petitioner to appear in the proceeding of Arms License Case No. 61/2005 and accordingly the petitioner appeared on 17.12.2005 since then no order has been passed

Hence this writ application

IN THE HIGH COURT JUDICATUARE AT PATNA

(CIVIL WRIT JURISDICTION)

C.W.J.C. NO _____ OF 2013.

In the matter of an application
under Article 226 Constitution of
India

And

In the matter of
Abhash Anand, son of Late Jaishankar Jha, resident of Ward
No.3/6, Madhepura, P.S.- Madhepura, District - Madhepura.

..... Petitioner

Versus

- 1.The State of Bihar.
2. The District Magistrate, Madhepura .
3. The Superintendent of Police, Madhepura.

4. The District Arms Magistrate, Madhepura-Cum- District Arms Officer, Madhepura.
5. The Sub Divisional Magistrate, Madhepura.
6. The Inspector of Police, Madhepura.
7. The Officer In- Charge, Madhepura.

.....Respondents

To,

**The Hon'ble Ms. Justice Rekha M. Doshit the
Chief Justice of the High Court of Judicature
at Patna and her companion Justices of said
Hon'ble Court.**

The humble petition on behalf
of the petitioner named above.

Most Respectfully Sheweth:-

1. That the petitioner seeks indulgence of this Hon'ble Court for the following :-

RELIEF (S) :-

- (i) For the issuance of an appropriate writ, order, direction commanding the respondents to dispose of the petition of the petitioner filed before District Magistrate, Madhepura

for grant of license of N.P. Bore Revolver for the security of his life and property which is pending before the competent authority since long back.

- (ii) For further direction to the respondents to pass the final order ^{for} ^A /grant/ the license of N. P. Bore Revolver to the petitioner on the basis of recommendation of S.H.O. Madhepura, Inspector of Police, Madhepura Dy. S. P. Madhepura and Sub Divisional Officer, Madhepura and on the basis of hearing dated 17.12.2005.

- (iii) For any other relief/relief(s) for which the petitioner is found entitled to.

2. That the petitioner prays for the aforesaid reliefs on amongst other following:-

REASONS :-

- (i) Because the petitioner is practicing lawyer in Civil Court, Madhepura and he had/has serious apprehension of life at the hands of his rivals and antisocial element.
- (ii) Because the petitioner had applied for grant of License of N.P. Bore Revolver before the District Magistrate, Madhepura for the security of his life and property and

the year 2001 the Superintendent of Police, Madhepura on the basis of enquiry report of S.H.O. Madhepura , Dy. S. P., Madhepura has recommended for grant of license.

- (iii) Because the S.H.O. , Madhepura after conducting ~~and~~ enquiry and coming to the conclusion that the petitioner apprehends threat forwarded the petition of the petitioner with recommendation before the Superior Officer.
 - (iv) Because Inspector of Police, Sub Divisional Officer, Madhepura, Dy. S. P., Madhepura has also recommended for grant of license of N.P. Bore Revolver to the petitioner.
 - (v) Because the S.P.Madhepura on 03.08.2005 again directed the Officer In- Charge, Madhepura P.S. to submit ~~the~~ further report and accordingly the Officer In- Charge submitted his report to the S.P.Madhepura.
 - (vi) Because on 17.12.2005 the District Magistrate, Madhepura had heard the matter in detail but no final order has been passed till the date.
3. That the petitioner is the citizen of India and has been residing within the territorial jurisdiction this Hon'ble Court.

4. That the factual matrix of the case which set the law in motion are as follows:-

- (i) That the petitioner is a practicing Advocate at Civil Court, Madhepura.
- (ii) That in the year 2000 the petitioner had applied for grant of N.P. Bore Revolver for the security of his life and property.
- (iii) That the application of the petitioner was sent to the Madhepura P.S. for Police verification and enquiry report from Officer In- Charge, Madhepura.
- (iv) That thereafter on 05.02.2001 the Officer Incharge , Madhepura after verification of Character of the petitioner by the S.I. of P.S. recommended for grant of the License .Thereafter the Dy. S. P., Madhepura and Sub Divisional Officer, Madhepura also forwarded the recommended the petition of the petitioner for grant of license of N.P. Bore Revolver on 29.08.2001.

Xerox/typed copy of the
recommendation of the
competent Officer,

Madhepura, S.D.O.,

Madhepura, dated 29.08.2001
is annexed herewith and
marked as Annexure-1 to this
writ application.

- (iv). That thereafter on 09.09.2001 the S.p., Madhepura
vide his memo no.2542/GO also forwarded his
recommendation to the District ^{Magistrate} Madhepura for grant of
license of N.P. Bore, Revolver.

Xerox/typed copy of memo
no.2542 of S.P., Madhepura
dated 09.09.2001 is annexed
herewith and marked as
Annexure-2 to this writ
application.

- (v) That thereafter on 03.08.2005 the S.P. , Madhepura
vide memo no. 6/Go in compliance of the memo no.
841/Go dated 05.05.2005 of District Magistrate,
Madhepura directed the Officer In charge, Madhepura to

submit an enquiry report again on the seven points raised in the memo.

Xerox/typed copy of the memo no. 61/Go of S.P., Madhepura is annexed herewith and marked as Annexure-3 to this application.

(vi). That thereafter on 12.12.2005 the District Magistrate, Madhepura noticed the petitioner in Arm License case No. 76/2005 directing him to appear in his Court on 17.12.2005 and apprise the matter.

Xerox/typed copy of the order dated 12.12.2005 in Arms License Appeal Case No. 76/2005 is annexed herewith and marked as Annexure-4 to this application.

5. That on 17.12.2005 the petitioner appeared in the Court of the District Magistrate, Madhepura in Arms License Case

No.76/2005 and pressed his case but till the date no final order has been passed.

6. That the petitioner humbly states that all the concerned authorities have forwarded the case of the petitioner with their recommendation to grant the license of N.P. Bore Revolver but the license authority has been sitting tight over the matter.
7. That the petitioner further humbly states that competent authority is supposed to pass an order whatever he thinks fit in accordance with law but in the present case the matter is being kept pending since long back.
8. That the petitioner has not come up before this Hon'ble Court earlier in this matter.
9. That the petitioner has no other alternative and efficacious remedy available rather than invoking the jurisdiction of this Hon'ble Court for redressal of his grievances.

It is, therefore, prayed that your lordships may graciously be pleased to admit this petition, issue RULE to the respondents to file show

cause as to why relief(s) prayed for in paragraph no.1 of the writ petition be not allowed and on return of the Rule and after hearing the parties make the Rule absolute against the respondents.

And/or

Pass such other order/orders as your lordships may deem fit and proper in the facts and circumstances of this case.

And for this, the petitioner shall ever pray.

AFFIDAVIT

I, Abhash Anand, aged about 43 years, son of Late Jaishankar Jha, resident of Ward No. 3/6, Madhepura, P.O. + P.S.- Madhepura, District-Madhepura, do hereby solemnly affirm and state as follows:-

1. That I am petitioner in this instant application and as such am well acquainted with the facts and circumstances of this case.
2. That the contents of this petition have read over and explained to me in Hindi which have fully understood to the same.
3. That the statement made in paragraph nos. 4 (i), (ii), (iii), (iv), (v), (vi), 5, 8 are true to my knowledge and those statement made in paragraphs nos. 6 is true to my information which are derived from the records and rest are by way of submission before this Hon'ble Court.
4. That the annexure are photo copies of their respective originals.

Annexure - I

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श्री आशु-आनन्द पौ. स्वतंत्र जमीन का. मधुपुरा. व. डी. नं. 3

Recommendation for Arms Licence

1. Recommendation of S.I. :-

From Kumar
de M D A P S
5.2.2017
NO objection.

2. Recommendation of C.I. :-

Forwarded as recommended by C.I.
M.D.A.P.S.
2/6/17
जायसी निरीक्षक
मधुपुरा

3. Recommendation of Dy. S.P. :-

Forwarded
No objection.
2/6/17

4. Recommendation of Subdivisional Officer :-

Forwarded and
recommended.
2/29/17
मधुपुरा
मधुपुरा

5. Recommendation of S.P. :-

29.2.17
Supt. of Police
Madhupura

6. Final order of District Magistrate :-

Annexure - 2

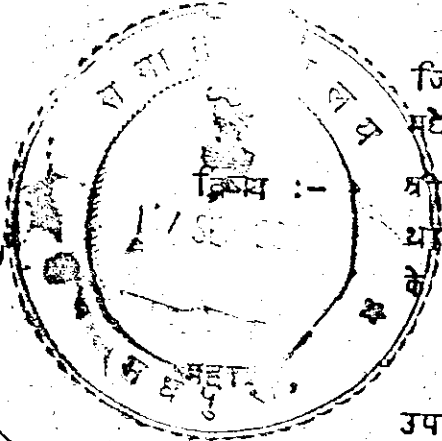
12

डाफांक 2542/मो

आरक्षी अधीक्षक, का कार्यालय मधेपुरा ।

मधेपुरा, दिनांक :- 9.9.2021

R. Prasad
M.P.



जिला पदाधिकारी,
मधेपुरा ।

श्री आभाष आनन्द पेठ स्व० जय शंकर झा, सा० मधेपुरा वार्ड नं०- 3 थाना व जिला-मधेपुरा को एक एन०पी० बोर रिमात्वर की अनुज्ञप्ति के संबंध में ।

उपरोक्त संदर्भ में श्री आभाष आनन्द पेठ स्व० जय शंकर झा सा० मधेपुरा वार्ड नं०- 3 थाना व जिला-मधेपुरा ने एक एन०पी० बोर रिमात्वर की अनुज्ञप्ति के लिए विहित प्रपत्र में आवेदन दिया है । इनके शस्त्र आवेदन पर थाना प्रभारी मधेपुरा, आ०नि०/अनुमण्डल आरक्षी पदाधिकारी एवं अनुमण्डल पदाधिकारी, मधेपुरा ने शस्त्र अनुज्ञप्ति के लिए अनुज्ञप्ति किया है ।

उपरोक्त पदाधिकारियों के अनुज्ञप्ति के आधार पर श्री आभाष आनन्द को एक एन०पी० बोर रिमात्वर की अनुज्ञप्ति निर्गत के लिए अनुज्ञप्ति की जाती है ।

अनुज्ञप्ति :- यथोपरि ।

आरक्षी अधीक्षक, मधेपुरा ।

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11/9/2021

Annexure - 3 (13)

ज्ञापक 61 नो०,

आरक्षी अधीक्षक का कार्यालय, मधेपुरा ।
मधेपुरा, दिनांक 02/08/05

सेवा में,

धाना प्रभारी,
मधेपुरा ।

प्रश्नः- जिला पदाधिकारी, मधेपुरा का ज्ञापक-841/नो०, दि०-5-5-05
विषयः- आवेदक श्री आशाधर आनन्द यो- स्व० जय शंकर झा, सा०- मधेपुरा वार्ड न
3 आना व जिला -मधेपुरा को एक सन०पी० बोर रिभाल्वर की अनुज्ञप्ति
के पुनः जाँच के संबंध में ।

अपर्युक्त प्रश्नाधीन विषय से संबंधित आवेदक अनुज्ञप्ति से संबंधित मूल आदेश
विहित प्रपत्र साथ संलग्न कर भेजी जा रही है ।

अतः आपको आदेश दिया जाता है कि जिला स्थायी आदेश सं०- 04/1
में दिये गये निर्देशों के अंतर्गत सात विन्दुओं पर कंडिकावार जाँच कर एक सुस्त
जाँच प्रतिवेदन मूल विहित प्रपत्र पुनः अनुशासना के साथ अद्योदस्तासती के कार्यालय
समर्पित करें ताकि जिला पदाधिकारी, मधेपुरा को अनुशासना के सावधानी जा. हे. ।
अनुत्तरकः-वक्षोपरि ।

=====

आरक्षी अधीक्षक, मधेपुरा
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Annexure-4

न्यायालय, जिला दण्डाधिकारी, मधेपुरा।

शस्त्र अनुज्ञप्ति वाद संख्या - 76/05

(14)


D.B.No-229-2
12/12/05

राज्य बनाम,

~~श्री~~ श्रीमान् श्री
श्री श्री अन्तरिका मा
ता. मधेपुरा नर्सिंग - 316
ग्राम - मधेपुरा
जिला - मधेपुरा

यू बजरिये नोटिस से आपको आगाह किया जाता है कि आपके द्वारा शस्त्र अनुज्ञप्ति हेतु दाखिल आवेदन पत्र पर अधोहस्ताक्षरी के न्यायालय में दिनांक 17-12-05 को सुनवाई की तिथि निर्धारित की गई है।

अतः आप दिनांक 17-12-05 को 11:00 बजे पूर्वाह्न में स्वयं अथवा अपने अधिवक्ता के माध्यम से अधोहस्ताक्षरी के न्यायालय में उपस्थित होकर अपना साक्ष्य प्रस्तुत करें।


जिला दण्डाधिकारी,
मधेपुरा।