

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.45308 of 2015**

Arising Out of PS.Case No. -665 Year- 2013 Thana -NAWADA District- NAWADA

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Ajay Kumar @ Ajay Singh @ Ravikant Singh, S/o Srikant Singh, Resident  
of village- Dosut, P.S.- Warisaliganj, District- Nawada

.... .... Petitioner/s

Versus

The State of Bihar

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Hansraj

For the Opposite Party/s : Mr. Yogendra Kumar Singh (App)

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**CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA**  
**ORAL ORDER**

3 11-02-2016

Heard learned counsel for the petitioner and

learned counsel for the State.

The petitioner is in custody since 23.08.2015  
in connection with Nawada Town P.S. Case No. 665 of 2013  
for the offence registered under Sections 307, 504, 506/34 of  
the Indian Penal Code and Section 27 of the Arms Act.

Learned counsel for the petitioner submits  
that the present occurrence came to happen on account of  
petty scuffle which ensued on account of the permission to be  
given to children to play within the precincts of school. It is  
further submitted that when some children were playing in  
the school, the play was interrupted by some persons,  
namely, Nawal Kishore Singh, Bipin Singh and Uday Singh.  
The petitioner, who was passing by on a Bolero Vehicle,  
stopped there and interfered in the matter, resulting in verbal  
duel between the parties. In the said verbal duel, the



petitioner was on the one hand whereas Nawal Kishore Singh, Bipin Singh and Uday Singh, who had been interrupting the play of the children were on the other side. The said verbal duel progressed into a free fight between the parties and thereafter, the petitioner is alleged to have used his licensee rifle to fire on the ground, which hit Bipin Singh, who got seriously injured. It is further submitted that there has been serious injury on the person of the said Bipin Singh. The aforementioned fight was not pre-meditated. It is further submitted that be that be it as it may, petitioner has been taken into custody and he is willing to cooperate with the trial as and when required.

Learned counsel on behalf of the informant submits that the petitioner has been evading the process of law since long and with deliberate intention of doing the informant side much harm, had fired with his rifle. It is further submitted that the petitioner has several cases to his credit, detail of which, has been stated at paragraph -3 of the application.

Learned counsel for the petitioner further submits that he has explained all the antecedents of the petitioner, which includes two bailable offences while in two other cases, final form has been submitted, in which, petitioner has been granted bail.

Learned counsel for the State on perusal of the case diary submits that actually, the occurrence took place on



account of the difference, which arose regarding the permission to be given to the children to play within the precincts of the Shikshak Sangh and this petitioner, being the only person started interfering in the said occurrence which resulted into free fight between the parties and the firing ensued in his self defence as the petitioner had also been attacked by the informant and other persons accompanying the said Bipin Singh.

Considering the entire facts and circumstances and though the petitioner has criminal antecedents but in view of the fact that the incident took place not on account of pre-meditation but to protect from small scuffle, which took an ugly proportion leading to the firing in the self defence, this Court feels that the petitioner may be given the benefit of privilege of bail. Accordingly, the petitioner named above is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Nawada in connection with Nawada Town P.S. Case No. 665 of 2013 subject to the conditions that

- (i) Petitioner shall be present before the Court below on each and every date and shall not seek unusual and unnecessary adjournments so as to delay the progress of the trial.



- (ii) Petitioner shall furnish one of sureties as close relative related with blood which should be preferably his father and/or his brother.
- (iii) Petitioner shall not indulge in any act so as to prejudice any of the witnesses.
- (iv) the petitioner shall also not leave the district without permission of the S.P. and the permission shall be granted by the S.P. after verifying the true cause behind his requirement of leaving the district.

(Anjana Mishra, J)

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