

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48193 of 2021**

Arising Out of PS. Case No.-79 Year-2021 Thana- BEGUSARAI MUFFASIL District-
Begusarai

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1. Sanyukta Devi W/O Shambhu Rajak R/O Village-Rachiyahi, Dhobi Tola, Ward No. 7, P.S-Mufassil (SINGHAUL Op), District-Begusarai.
 2. Shambhu Rajak S/O Hareram Rajak R/O Village-Rachiyahi, Dhobi Tola, Ward No. 7, P.S-Mufassil (singhaul Op), District-Begusarai.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ram Sumiran Rai, Adv

For the Opposite Party/s : Mr.Dr.Mrityunjaya Kr. Gautam, APP

**CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER**

3 30-11-2021 The present bail application has been taken out of turn taking into consideration the statement made in the Interlocutory Application wherein it has been stated that three children of petitioner nos. 1 and 2 are outside and no one is there to look after the children. It has further been stated in Interlocutory Application that petitioner no. 2 is hundred percent visually disabled and in this regard he has annexed a certificate issued by the office of Civil Surgeon-cum-Chief Medical Officer, Begusarai dated 06.11.2015.

Heard learned counsel appearing on behalf of the petitioners and learned APP appearing on behalf of the State.

Above mentioned petitioners seek bail in connection



with Mufassil (Singhaul OP) P.S. Case No. 79 of 2021 dated 06.02.2021 for offences punishable under Sections 147, 148, 149, 341, 323, 504, 307, 325, 337, 338, 379 and 302 of the Indian Penal Code.

Prosecution case in brief is that one Hareram Rajak assaulted the deceased who was the father of the informant. It has further been alleged in the FIR that the present petitioners also assaulted, however, there is no direct allegation of assault by these petitioners.

Learned counsel appearing on behalf of the petitioners submits that petitioner no. 2 is hundred percent handicapped and he is almost blind. He further submits that the allegation made in the FIR is baseless and the specific allegation of theft has not been made against the petitioner no.2 either. Therefore, the above named petitioners be released on bail.

Learned A.P.P., however, opposes the prayer for bail and submits that the petitioners have been named in the FIR for serious offence of murder and do not deserve to be released on bail.

Considering the facts and circumstances of the case as well as physical condition of petitioner no.2, their three children who are very minor and there is no direct allegation of assault



against these two petitioners, let the petitioners above named, be released on bail upon furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Begusarai in connection with Mufassil (Singhaul OP) P.S. Case No. 79 of 2021 subject to the following conditions:

(i) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(ii) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(iii) If the petitioners temper with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(Purnendu Singh, J)

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