

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No. 1575 of 2015**

Arising out of P. S. Case No. - 249 Year - 2012 Thana - PIPRA District - EASTCHAMPARAN (MOTIHARI)

Umesh Sah, S/o Ekbal Sah

.... .... Petitioner/s

Versus

The State of Bihar

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

**Appearance :**

For the Petitioner/s : Mr. Dhannjay Kumar No 2, Advocate  
For the Opposite Party/s : Mr. Shailendra Kr. 1, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA**  
**ORAL ORDER**

2 15-01-2015

Heard both sides.

The petitioner seeks regular bail in Pipra P.S. Case No. 249 of 2012 registered for the offences punishable under Section 307 and other Sections of the Indian Penal Code. Later on Section 302 of the Indian Penal Code has also been added.

Sukhal Sah (informant) named petitioner Umesh Sah, Pappu Sah, Jagali Sah, Bhikari Sah and alleged that they came to his house and began to abuse. Umesh Sah assaulted the informant with the iron rod. His wife came to save him but the accused persons also assaulted her.

Learned counsel for the petitioner submits that Sukhal Sah got one injury that too fracture of left thigh. From perusal of the post-mortem report, it would appear that the doctor has opined that on account of fracture injury death cannot be

caused that too after many days, therefore, viscera were kept preserved for FSL. The occurrence took place on 21.11.2012 but First Information Report was lodged on 16.12.2012. Sukhal Sah died on 23.12.2012. It appears that on account of assault made by the petitioner only thigh bone of Sukhal Sah was fractured. The doctor has specifically opined that on account of such fracture that too many days before the death cannot be a cause of death.

Considering the facts aforesaid and the fact that the petitioner has remained in jail since 24.07.2014, the petitioner is directed to be enlarged on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, East Champaran, Motihari, in connection with Pipra P.S. Case No. 249 of 2012.

**(Prabhat Kumar Jha, J)**

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