

IN THE HIGH COURT OF JUDICATURE AT PATNA  
Cr.Misc. No.46137 of 2009  
TUNTUN SAH, SON OF SUKHLAL SAH, RESIDENT OF VILLAGE BISHANPUR  
MURAR, POLICE STATION SAKRA DISTRICT MUZAFFARPUR  
Versus  
THE STATE OF BIHAR  
with  
Cr.Misc. No.46445 of 2009

1. RAMESH SAH
2. MAHESH SAH, BOTH SONS OF SITAL SAH, RESIDENT OF  
VILLAGE BISHANPUR MURAR, POLICE STATION SAKRA,  
DISTRICT MUZAFFARPUR.

Versus  
THE STATE OF BIHAR  
-----

02. 26.02.2010 Heard learned counsel for the petitioners and the State.

Petitioners are apprehending their arrest in connection with a case registered for the offence under Section-302 and other allied Sections of the Penal Code. They are named in the First Information Report as accused nos.6, 5 and 7. Tuntul Sah and Mahesh Sah are alleged to have assaulted the deceased with bamboo clump and Ramesh Sah is alleged to have assaulted the deceased with iron rod.

It is submitted on behalf of the petitioners that allegation by means of bamboo clump and iron rod is not made out from the post mortem report as post mortem report does not indicate such injury on the person of the deceased.

Let the petitioners above named surrender in the court below within four weeks from the date of receipt of this order in the court below and the court below should verify the injury on the person of the deceased with reference to the post mortem report and if there is no injury found on the person of the deceased, which can be attributed to the bamboo clump and iron rod then they be admitted to the

privilege of bail on furnishing bail bond of Rs.5,000/-(Five thousand) each with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Muzaffarpur in connection with Sakra P.S. Case No.255 of 2009, subject to the conditions as laid down under Section-438(2) Cr.P.C.

**(V.N.Sinha, J.)**

**Rajesh/**

