

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38576 of 2020

Arising Out of PS. Case No.-38 Year-2020 Thana- BARSOI District- Katihar

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1. Mohammad Oli, aged about 24 years, male, Son of Achalu.
 2. Mohammad Sah Alam, aged about 24 years, male, Son of Mohammad Saidul.

Both are resident of Village- Paharpur, P.S.- Barsoi, District- Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Md. Musowir, Adv.
For the Informant	:	Mr. Thakur Brajesh Singh, Adv.
For the State	:	Mr. Ram Priya Sharan Singh, APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 17-04-2021 Md. Musowir, learned Advocate for the petitioners

seeks permission to withdraw this application with respect to

petitioner No. 1, viz., Mohammad Oli.

Prayer is allowed.

The application with respect to petitioner No. 1 is

dismissed as withdrawn.

Heard the counsel for the parties.



The petitioner No. 2, viz., Mohammad Sah Alam seeks bail in anticipation of his arrest in connection with Barsoi P.S. Case No. 38 of 2020, dated 14.03.2020, instituted for the offences under Sections 147, 149, 341, 323, 504, 308 and 379 of the Indian Penal Code.

For an obscene message on telephone by the informant, a *Panchayati* was held in which the petitioner No. 2 along with petitioner No. 1, whose application has been withdrawn, assaulted the informant which has led to injuries on his person, one of which has been opined to be grievous in nature.

The learned counsel for the petitioner No. 2 has explained that during the *Panchayati*, there was some scuffle between the parties by fists and slaps and even the injury which is said to be grievous, does not actually appear to be grievous.

In any view of the matter, considering the background facts and taking into account that there is no specific accusation against petitioner No. 2/Mohammad Sah Alam only, he, in the event of his arrest or surrender before



the learned Court below within a period of eight weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-I, Katihar in connection with Barsoi P.S. Case No. 38 of 2020, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

While saying so, this Court has also taken note of the fact that petitioner No. 2 does not have criminal antecedents.

The application stands disposed off accordingly.

(Ashutosh Kumar, J)

Praveen-II/-

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