

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49565 of 2023

Arising Out of PS. Case No.-188 Year-2022 Thana- ISHAKCHAK District- Bhagalpur

BITTU YADAV @ BITTU KUMAR S/O LATE CHHATTU YADAV
RESIDENT OF VILLAGE MOHALLA ISHAKCHAK SHYAMAL DAS
LANE PS ISHAKCHAK, DISTRICT-BHAGALPUR

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Geeta Kumari Jha
Mr. Ashutosh Kumar
For the Opposite Party/s : Mr. Manoj Kumar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 16-08-2023

1. Heard the parties.

2. The petitioner apprehends his arrest in connection with Ishakchak PS Case No. 188 of 2022 dated 20-09-2022 registered under Sections 341, 323, 307, 385, 379, 338, 34 of the Indian Penal Code.

3. As per the First Information Report the petitioner along with other accused persons demanded a sum of Rs. 50,000/- as extortion from the informant. It has further been alleged that on 20-09-2022 the petitioner along with other F.I.R. named accused persons intercepted the informant while he was returning from Barahpura and the co-accused / Kaila Yadav assaulted the informant on his head with iron rod. The other accused persons assaulted the informant in his stomach by legs



and the petitioner has allegedly ran Bullet motorcycle near the informant's waist and scrotum and also snatched Rs. 5000/-

4. Learned counsel for the petitioner submits that entire family member of the petitioner has been made accused in the present case due to some dispute with the informant, who is neighbour of the petitioner. Learned counsel further submits that the allegation against the petitioner is not corroborated by the injury report, which has been discussed in the impugned order by the learned Sessions Judge, Bhagalpur. She also submits that from perusal of the impugned order it appears that there was a fracture of second metacarpal bone of the informant whereas allegation against the petitioner is that he ran motorcycle on the waist and scrotum of the informant. As per the Google metacarpals are long, thin bones that are located between carpal bones in the wrist and phalanges. It is comprising of the base, shaft and head.

5. Having regard to the submission made by the parties, taking into consideration the fact that both the parties are neighbours, injury caused to the informant is near metacarpal whereas allegation against the petitioner is that he ran Bullet motorcycle on the informant near his waist and scrotum, as such, I am inclined to grant anticipatory bail to the



petitioner.

6. Let the petitioner, above named, be released on anticipatory bail in the event of arrest or surrender before the court below within a period of four weeks from today on furnishing bail bond of Rs. 10000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of C.J.M., Bhagalpur in connection with Ishakchak PS Case No. 188 of 2022 subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anil Kumar Sinha, J)

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