

**In the Court of Sessions Judge, Supaul****ABA – 1602/2022**

Lachhman Sah &amp; 4 others

Vs

State of Bihar

**03-08-2023:-**

The anticipatory bail petition is filed on behalf of accused petitioners, namely **1. Lachhman Sah, 2. Ram Prasad Sah, 3. Manish Kumar, Anil Kumar Sah and 5. Jitendra Sah @ Jeetu Sah @ Jitendra Kumar Sah**, who are apprehending their arrest in connection with Kishanpur PS Case No.71/21, instituted for the offence u/s 341, 323, 379, 354(B), 504/34 of IPC, is pressed today.

Heard the Ld. Counsel for accused petitioners and Ld. P.P on behalf of State.

The learned lawyer of accused petitioners submitted that accused petitioners are quite innocent and they have committed no offence and they have falsely been implicated in this case. He further submits that petitioners and informant are Gotia and land dispute is going on in between them. He further submits that offence u/s-354(B) of IPC is not applicable against the accused petitioners. It is also submitted that accused petitioners are ready to abide by the provisions of section 438(2) CrPC, so they may be admitted to the anticipatory bail.

The learned P.P., on behalf of state vehemently opposed the prayer of anticipatory bail of accused petitioners.

The prosecution case as per written application of informant, Kiran Devi, in short, is that on 21.03.2021 she was getting the construction work done of her house, suddenly accused petitioners along with two other co-accused persons reached there and started to stop the construction work. It is further alleged that when the informant objected them, then the aforesaid accused persons tore her blouse and assaulted her family members by means of kick and fists and fatta and accused petitioner Manish Kumar snatched her golden chain from her neck.

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Heard both the sides and perused the record. On perusal of record, it shows that all petitioners are named in FIR and there is general allegation of assault. Further both parties are Gotia and previous litigation between them. Hence, considering the aforesaid facts, I am inclined to grant them the privilege of anticipatory bail. Hence, anticipatory bail prayer of accused petitioners namely, **1. Lachhman Sah, 2. Ram Prasad Sah, 3. Manish Kumar, Anil Kumar Sah and 5. Jitendra Sah @ Jeetu Sah @ Jitendra Kumar Sah** stands **allowed** on furnishing bail bond of Rs. 10,000/- each with two sureties of like amount each to the satisfaction of Learned Court below, as per the provisions of section 438(2) CrPC, on surrender or arrest within 15 days of receipt of this order.

Dictated and Corrected

(Dharmendra Kumar Jaiswal)  
Sessions Judge, Supaul