

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35796 of 2018

Arising Out of PS.Case No. -36 Year- 2016 Thana -ASHTHWAN District- NALANDA
(BIHARSHARIFF)

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Rajesh Kumar Rahi @ Rajesh Prasad Rahi @ Munna Paswan, S/o Sakal
Paswan, R/o Village- Sherpur, P.S.- Asthawan, District- Nalanda.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rakesh Kumar Soni, Advocate

For the Opposite Party/s : Mr. Satyendra Prasad, APP

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**CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR
SINGH**

ORAL ORDER

2 02-07-2018 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner seeks pre-arrest bail in connection with
Asthawan P.S. Case No.36 of 2016 registered under Sections 353,
188 and 506 of the Indian Penal Code.

It is submitted by the learned counsel for the petitioner
that even if entire allegations made in the first information report
are taken to be true, the ingredients of the offence punishable
under Section 353 of the Indian Penal Code would not be
attracted. The other sections of the Indian Penal Code levelled in
the first information report are bailable in nature.

On the other hand, learned counsel for the State



submitted that the petitioner is habitual encroacher and, hence, ingredients of the offence punishable under Section 353 of the Indian Penal Code are clearly attracted in the present case.

Considering the facts and circumstances of the case, in the event of arrest or surrender in the court below within six weeks from today, the petitioner is directed to be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-V, Nalanda at Biharsharif in connection with Asthawan P.S. Case No.36 of 2016, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Ashwani Kumar Singh, J)

Md.S./-

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