

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18370 of 2015

Arising Out of PS.Case No. -122 Year- 2013 Thana -TEDHAGACHH District- KISANGANJ

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1. Mushraf Ali son of Shamsuddin @ Goda Resident of village- Mushara
Paschim Tola, Police Station- Tedhagachh, District- Kishanganj.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sajid Salim Khan

For the Opposite Party/s : Mr. Iftekhar Mahmood(App)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

3 15-09-2015 Heard learned counsel for the petitioner as well as

learned Additional Public Prosecutor for the State.

Petitioner happens to be own maternal uncle of the
victim but victim very categorically stated in her statement
recorded under section 164 of the Cr.P.C that this petitioner not
only committed rape on her but when the victim became pregnant,
the petitioner got aborted her pregnancy.

Learned counsel for the petitioner submits that the
statement of victim recorded under section 161 of the Cr.P.C. at
Para 109 of the case diary in which, victim stated that she
solemnized her marriage with one Md.Nazir with whom she went
to Jaipur and, therefore, the aforesaid contradictory statement of
the victim creates doubt about the genuineness of the prosecution

story. It is further contended by him that moreover, the victim was medically examined and she was found major.

Regard being had to the facts and circumstances of the case as well as submission of the parties, I am not inclined to grant privilege of bail to the petitioner and accordingly, his prayer for bail in connection with Tedhagachh P.S.Case No. 122 of 2013 pending in the court of Additional Chief Judicial Magistrate, Kishanganj stands rejected.

(Hemant Kumar Srivastava, J)

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