

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48819 of 2017

Arising Out of PS.Case No. -560 Year- 2017 Thana -KATIHAR District- KATIHAR

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Ahtesham @ Ahtesham Khan @ T. V. Mistry Ehtesham, son of Basim Kha
 @ Basim Khan Resident of Mohalla - Baghwabari, P.S. - Nagar, District -
 Katihar.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bidhan Chandra Jha-Advocate

For the Opposite Party/s : Mr. Binod Kumar-A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

03 14-11-2017 Heard learned counsel for the petitioner as well as
 learned Additional Public Prosecutor.

Petitioner happens to be rapist of a minor girl.

It has been submitted on behalf of petitioner that in
 Para-4 of the case diary wherein further statement of informant
 has been incorporated, does not reveal with regard to an incidence
 committed on 08.08.2017. It has also been submitted that
 petitioner was brutally assaulted and then, was produced before
 the police and for that, counter-case has also been instituted. Also
 submitted that during course of examination of the victim, the
 doctor had not supported the case of the rape. Apart from this, there
 happens to be inconsistency in between statement recorded under



Section 161 Cr.P.C. as well as Section 164 of the Cr.P.C. of the victim. So, petitioner should be released on bail.

On the other hand, learned Additional Public Prosecutor.

Identifying the status of the petitioner, prayer for bail is rejected.

(Aditya Kumar Trivedi, J)

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