

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6311 of 2019

Arising Out of PS. Case No.-149 Year-2018 Thana- AMDABAD District- Katihar

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MUKHTESHAR @ MUKTESHAR S/o Sk. Jalaluddin @ Jullu resident of
village-Trimuhani, P.S-Amdabad, Distt.-Katihar.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Bimal Kumar

For the Opposite Party/s : Mr.Brajendra Nath Pandey

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

4 23-05-2019 Heard both sides.

The petitioner apprehends his arrest in Amdabad P.S.

Case No.149 of 2018 registered under Sections 376 and 506 of
the Indian Penal Code.

The informant alleged that one Mukhtar, resident of
village Amdabad committed rape with her and prepared C.D. of
her naked photos.

The learned counsel for the petitioner submits that
petitioner is Mukhteshar and not Mukhtar. The phone number
through which naked photo is made viral is of the petitioner but
the petitioner has handed over the mobile to others. It is further
submitted that warrant of arrest has also been issued against
Mukhtar. The informant is said to have identified the petitioner
when the photograph of petitioner was shown. There is no



cogent material against the petitioner that the petitioner committed rape with the victim.

Learned A.P.P. however opposed prayer for anticipatory bail.

Perused the record. It appears that informant named Mukhtar but when the photographs were shown to the informant, the informant identified the petitioner. The naked photo of the informant was also made viral from the mobile of the petitioner.

Taking into consideration the facts aforesaid, I am not inclined to enlarge the petitioner on anticipatory bail. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J)

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