

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17156 of 2026

Arising Out of PS. Case No.-344 Year-2025 Thana- BIRAUL District- Darbhanga

Arbaj Khan @ Arbaz Khan @ Arvaj Khan S/o Ata Hussain Khan R/o Vill-
Ahilwara, P.S.- Biraul, Distt- Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Shabana Khatoon Wife of Faturi Khan Resident of Village- Karhari, P.S.-
Biraul, District- Darbhanga, Mob. No. 7356842527.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Shahnwaz Khan, Adv Mr. Ashok Kumar Prasad, Adv
For the Opposite Party/s	:	Mr. Ajay Kumar Jha, APP Mr. Nilendu Kumar Chaudhary, Adv

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 22-07-2026 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 64, 115(2),
126(2), 352 and 3(5) of the Bharatiya Nyaya Sanhita.

3. Learned counsel for the petitioner submits that
petitioner is a person with clean antecedent and the informant
alleges that her husband works at Delhi, it is next alleged that
petitioner in her absence on 7-6-2025 made a video of her
daughter, aged about 17 years, at the time of bathing, it is
further alleged that based on the video, the petitioner threatened
the victim and committed rape and thereafter said not to disclose



the occurrence to anyone as he will marry her. It is next alleged that the victim did not disclose about the occurrence of rape since petitioner had promised that he will marry her and thereafter the petitioner on several occasions established physical relation on false promise of marriage and on account of threat of making the video viral, further on 12-9-2025 the petitioner resiled from marrying the victim hence the informant went to the house of petitioner where his family members assaulted her and ousted her from the house.

4. Learned counsel for the petitioner submits that petitioner has been falsely implicated in the instant case by the informant. It is next submitted that petitioner and the victim were in love and the family had agreed for marriage. It is further submitted that though it is alleged that petitioner made inappropriate video of the victim while bathing but during the course of investigation no such video transpired. It is also submitted that mother of the victim got implicated in a case of theft in the house of Gaffar and the family of the petitioner on coming to know about the occurrence and the fact that theft articles were recovered from the house of the informant resiled from marrying the petitioner with the victim. It is next submitted that at para-49 of the case diary, it is recorded that



witness has stated about the implication of informant in a case of theft in the house of Gaffar. It is further submitted that victim is a major and the doctors even assessed her age in between 18-19 years and the marriage was fixed but on account of intervening factors, the marriage could not take place as such the instant false case came to be instituted implicating the petitioner along with his family members with an intent to coerce the petitioner into submission. It is also submitted that if privilege of anticipatory bail is granted, the petitioner will not abscond rather will cooperate in the investigation to prove his innocence.

5. Learned A.P.P. for the State and learned counsel appearing on behalf of the informant opposes the prayer for anticipatory bail of the petitioner, but then the learned APP after perusing para-49 of the case diary submits that the informant was implicated in a case of theft in the house of Gaffar and even the theft articles were recovered from the house of the informant.

6. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender within a period of six weeks from today, be released on anticipatory bail on furnishing bail



bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Biraul P.S. Case No. 344 of 2025, subject to the conditions as laid down under Section 482 (2) of the BNSS .

7. However, it is made clear that in the event, if the Investigating Officer of the case files an application before the learned trial court bringing to its notice that the petitioner, despite giving assurance to this Court, is not cooperating in the investigation, in that event, the learned trial court shall be at liberty to cancel the bail bonds of the petitioner.

8. Let a copy of this order be sent to the concerned police station through the learned Trial Court.

(Satyavrat Verma, J)

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