

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18810 of 2026

Arising Out of PS. Case No.-242 Year-2025 Thana- JALE District- Darbhanga

1. Md. Mahtab S/O Md. Mustak @ Laddu Nalband R/O Village- Doghra, P.S-
Jale, Distt.- Darbhanga.
2. Md. Imtiyaj Nalband S/O Md. Mustak @ Laddu Nalband R/O Village-
Doghra, P.S- Jale, Distt.- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raja Ram Rai, Adv.

For the Opposite Party/s : Mr. Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 02-04-2026 1. Heard learned counsel for the petitioners, learned
A.P.P. for the State and the learned counsel appearing on behalf
of the informant.
2. The petitioners apprehend their arrest in a case
registered for the offences punishable under Sections 64 and
3(5) of the Bharatiya Nyaya Sanhita.
3. Learned counsel for the petitioners very fairly at
the outset submits that from perusal of the order impugned, it
would manifest that the same is with respect to Mustafa and
Imteyaz but then the instant anticipatory bail application has
been filed on behalf of Md. Mahtab and Md. Imteyaz when Md.
Mahtab was not a petitioner in the order impugned. Learned



counsel for the petitioners thus seeks permission to withdraw the anticipatory bail application with respect to petitioner no.1, namely, Md. Mahtab with liberty to file afresh after getting the order impugned dated 17.02.2026 in ABP No.128/2026 rectified, as it has been submitted that it was Md. Mahtab who had approached the learned District Court along with Imteyaz seeking anticipatory bail but then inadvertently instead of Md. Mahtab, name of Md. Mustafa was recorded in the order.

4. Permission is accorded.

5. It is next submitted that the petitioner no.2 is a person with clean antecedent and the informant alleges that Md. Mahtab about an year back with help of his friend raped her and made a video of the occurrence and thereafter repeatedly committed rape on threat of making the video viral and even got her aborted on several occasion, it is next alleged that being fed up with the conduct of Md. Mahtab, she threatened that a case would be instituted even if the video is made viral, on which Md. Mahtab promised to marry her and thereafter took her to his village where on 27.11.2025, the elder brother of Mahtab namely Imteyaz (petitioner) committed rape.

6. Learned counsel for the petitioner submits that petitioner has been falsely implicated in the instant case being



brother of Mahtab. It is next submitted that no doubt Mahtab and the informant were in a relationship and were known to each other but then Mahtab came to know that informant was a married woman. It is next submitted that a specific pleading has been made at Para-10 of the anticipatory bail application that victim was married to Atmaja Akbar, resident of village Balha, P.S. Visfi, District- Madhubani and out of the wedlock she has two children. It is thus submitted that when Mahtab came to know that informant was married from before and was having children as such their relationship soured when the instant false case came to be instituted alleging that petitioner being elder brother of Mahtab committed rape. It is submitted that petitioner has been implicated only with a view to coerce Mahtab into submission.

7. Learned A.P.P. for the State and the learned counsel appearing on behalf of the informant opposes the prayer for anticipatory bail of the petitioner but then the learned counsel appearing on behalf of the informant does not dispute the submission of the learned counsel appearing on behalf of the petitioner that victim was married from before and out of the wedlock two children were born.

8. Considering the submissions made by the learned



counsel for the petitioner, the petitioner no.2, 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 Jale P.S. Case No. 242 of 2025, subject to the conditions as laid down under Section 482 (2) of the BNSS.

(Satyavrat Verma, J)

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