

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44185 of 2026

Arising Out of PS. Case No.-68 Year-2023 Thana- BALIA BELON District- Katihar

Md. Mahtab @ Md. Mahtab Alam Son of Late Sikandar @ Sikendar Resident
of Village- Vidyananadpur/ Vidyananpur, P.S.- Balia Belon, District- Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bimal Kumar, Advocate

For the Opposite Party/s : Mr. Aditya Narayan Singh.1, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 08-07-2026 Heard learned counsel for the petitioner and learned
APP for the State.

02. In the present case, the petitioner seeks bail in connection with Balia Belon P.S. Case No. 68 of 2023 registered for the alleged offences under Sections 376, 511, 323, 504 and 506 of the Indian Penal Code.

03. As per prosecution case, the petitioner entered into the house of the informant in drunken condition and made an attempt to rape her by removing her clothes and gagging her mouth.

04. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The falsity of the allegation is apparent from the delay in lodging the complaint. The occurrence is said to have taken



place on 17.09.2022 but the complaint case has been filed on 30.01.2023/22.02.2023 as it appears from endorsement on the complaint petition. Subsequently, the FIR has been instituted on this complaint on 02.06.2023. These facts go on to show that the present case has been filed with some ulterior motive and there is no satisfactory explanation for delay in lodging the present case. It is surprising that even after five months of occurrence, the complainant/informant has not made any complaint to the concerned police station or to any other authorities. The complainant resides in her house along with her brother-in-laws, her mother-in-law and her three daughters. So, the story of petitioner making an attempt to commit rape with the complainant is not believable in presence of these persons. There is no oral or medical evidence to support the case of the complainant. Learned counsel further submits that it appears the prosecution story is an afterthought and framed with the help of legal advice. The petitioner is have clean antecedent and is in custody since 02.04.2026. Charge-sheet has been submitted.

05. Learned APP for the State opposes the submission made on behalf of the petitioner.

06. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the



doubtful nature of allegation and also considering the period of custody of the petitioner and his clean antecedent along with submission of charge-sheet, the petitioner above named is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-III, Katihar/court concerned in connection with Balia Belon P.S. Case No. 68 of 2023, subject to the conditions mentioned in Section 480(3) of BNSS and the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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