

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5050 of 2026

Arising Out of PS. Case No.-112 Year-2025 Thana- BHARGAMA District- Araria

Nitish Kumar S/O Chandeshwari Mehta @ Chandeshwari Parihast R/O Vill.-
Khuti, Lachhmipur, P.S.- Chhatapur, Dist.- Supaul

... .. Petitioner/s

Versus

1. The State of Bihar
2. The State of Bihar Bhargama PS

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjay Kumar Singh
For the Opposite Party/s : Mr.Md. Shakir Ahmad

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 04-02-2026 Heard Learned Counsel for the petitioner and
Learned APP for the State.

2. The petitioner is apprehending arrest in connection with Bhargawan P.S. Case No. 112 of 2025 lodged on 24.03.2025, for the offences punishable under Sections 137(2)/87 of the B.N.S., 2023.

3. As per the prosecution, FIR has been lodged against the present petitioner with allegation that the informant has apprehension that his daughter was kidnapped by the accused persons and in this regard, he had searched her and it is due to this reason, FIR has been filed with delay.

4. Learned Counsel for the petitioner submits that the petitioner is innocent and has committed no offence. Counsel



also submits that from the FIR itself, it transpires that the daughter of the informant is aged about 25 years meaning thereby, she is a major lady and her marriage was admittedly, solemnized with one Amit Kumar. He further submits that the date of occurrence *i.e.*, missing of his daughter is 19.03.2025, but FIR has been lodged on 24.03.2025.

5. Counsel further submits that police has added Section 87 and 137(2) of the BNS, 2023. He further submits that ingredient of neither section 87 is there nor section 137(2) of the BNS is there in the FIR. He further submits that Section 87 talks about kidnapping, abduction or inducing women for forced marriage in which imprisonment of 10 years or fine, offence cognizable and non-bailable, whereas section 137(2) talks about kidnapping, imprisonment for 7 years and fine, offence is bailable. He further submits that since there is no allegation of marriage, therefore, section 87 of the BNS shall not be attracted, but if allegation of kidnapping has been accepted, which is section 137(2) of the BNS, then it is bailable. Therefore, the petitioner deserves anticipatory bail.

6. Counsel submits that the criminal antecedent of the petitioner is clean.

7. Learned APP for the State opposes the prayer for



bail of the petitioner.

8. As such, in the present facts and circumstances of this case, let the above named petitioner be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 4 weeks from today, on furnishing bail bond of Rs.30,000/- (Rupees Thirty Thousand) as mentioned in Section 2(1)(d) of the BNSS, 2023 to the satisfaction of C.J.M., Araria in connection with Bhargawan P.S. Case No. 112 of 2025, subject to the conditions as laid down U/s 482(2) of the BNSS, 2023.

(Dr. Anshuman, J)

prakashmani/-

U			
---	--	--	--

