

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25880 of 2026

Arising Out of PS. Case No.-163 Year-2025 Thana- MATIHANI District- Begusarai

Nikhil Kumar S/o- Mohan Mahto @ Mohan Sharma R/v- Rampur Baswan
W.No-9, Ps- Matihani Dist- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Braj Bhusan Poddar, Adv.

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

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 15-07-2026 Heard learned counsel for the petitioner and learned
A.P.P for the State.

2. The petitioner apprehends arrest in connection with Matihani P.S. Case No. 163 of 2025 lodged on 02.09.2025, for the offence punishable under Sections 108, 61(2) & 3(5) of the Bharatiya Nyaya Sanhita, 2023, pending in the court of J.M. I, Begusarai.

3. As per the prosecution, FIR has been lodged against three named accused persons including the present petitioner. It has been alleged by the informant that her daughter was in contact with the petitioner and his two friends. On their instigation, she left the house and subsequently, at the instance of police upon dial on 112, the informant's daughter was recovered and it was disclosed by her that the three named



accused persons were trying to instigate her to go to Delhi with them. It has been alleged that on the instigation of three named accused persons, the daughter of the informant committed suicide. The specific allegation has been made against the petitioner that he used to instigate the informant's daughter by virtue of his mobile number i.e. 9608665176 on the mobile number of the informant's daughter i.e. 9110258599 and on the instigation of these three accused persons including the petitioner, the daughter of the informant has committed suicide.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He submits that the petitioner's mobile number ends with 176 and no talk taken place between the deceased and the petitioner and the allegation of instigation for suicide is absolutely wrong and hereby denied. He further submits that the petitioner has clean antecedent and he is ready to fulfill all the conditions whatsoever shall be imposed upon him. He further submits that on the previous occasion, this Hon'ble Court has pleased to call for the case diary and there is no material found against the petitioner in the case diary.

5. Learned APP for the State opposes the prayer for bail of the petitioner and submits that there is a direct case of the



informant that the petitioner along with his two friends used to put pressure upon the informant's daughter on her mobile number 9110258599 after her recovery by the police due to which she could not went to Delhi along with the accused persons. He submits that in the case diary particularly paragraph 13 and subsequently paragraph 20, it has come that the deceased was user of mobile number 9110258599 which was registered in the name of her father, whereas, the petitioner was user of mobile number 9608665176.

6. Upon perusal of the case diary, it transpires to this Court that it has been acknowledged by the observation of the C.D.R particularly mentioned in para 20 that from the mobile of the petitioner and his two friends on the said unfortunate day, the talk has taken place among them for 14 times. Therefore, the submission of the counsel for the petitioner that the petitioner is completely innocent is not acceptable to the court.

7. As such, in the present facts and circumstances, this Court is not inclined to grant bail to the petitioner. Accordingly, the prayer for anticipatory bail of the petitioner stands rejected.

8. However, liberty is granted to the petitioner that if he surrenders before the concerned Trial Court within a period of 4 weeks from today then in that case, the Trial Court is



directed to pass order on his surrender-cum-bail application on the same day, without being prejudiced by the fact that the anticipatory bail application of the petitioner has been rejected by this Court, and the Trial Court shall pass order on the merits of the case.

(Dr. Anshuman, J)

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