

IN THE COURT OF ADDL. SESSIONS JUDGE-IV, DANAPUR
BAIL PETITION NO. 155 OF 2026
(Arising out of Bihta P.S. Case No. 69 of 2026)

1. Kundan Kumar, aged about 27 years, s/o Suresh Singh, r/o- Bihta High bridge, P.S. Bihta, Distt. Patna,
2. Sudhir Kumar, s/o. Anil Bhagat, r/o. Vill. Shrirampur, P.S. Bihta, Distt. Patna.

Vs.

The State of Bihar.....O.P.

Appearance:- For the Petitioners; Sri Rameshwer Prasad Singh (Adv.)
For the Opposite Party; Sri Kalam Ansari (Addl. P.P.)

Present: - Naghma Tarannum, Addl. Sessions Judge-04, Danapur

ORDER

02.03.2026

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1. The present application for bail, dated 31.01.2026, has been moved on behalf of the petitioners/accused Kundan Kumar and Sudhir Kumar, who are in judicial custody since 22.01.2026 in connection with Bihta P.S. Case No. 69/2026, registered for the offences punishable under Section 303(2) of the Bharatiya Nyaya Sanhita, 2023 and (as per the police report) also under Section 317(2).
2. Heard learned counsel for the petitioners and learned Addl. Public Prosecutor for the State. Perused the materials available on record.
3. Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated. It is contended that nothing incriminating has been recovered from their conscious possession; that the allegation regarding theft/snatching of the informant's mobile phone is false and baseless; that the petitioners have clean antecedents; and that they undertake to abide by all conditions imposed by the Court.
4. Per contra, learned Addl. P.P. opposes the prayer for bail, submitting that though the offence may appear to be simple in nomenclature, the alleged occurrence has taken place within hospital premises, and the act of preying upon persons already in distress is of grave

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concern. It is thus urged that the petitioners do not deserve the privilege of bail at this stage.

5. At the stage of consideration of bail, a detailed appreciation of evidence is neither warranted nor desirable. The Court, however, is duty-bound to consider the nature and gravity of accusation, the materials collected, the stage of the case, the likelihood of tampering with evidence or influencing witnesses, the possibility of absconding, and whether further custodial detention is necessary.
6. From the materials on record, it prima facie appears that the petitioners were caught in the hospital premises in connection with the taking away of the informant's mobile phone. It is also emerging from the case diary that the petitioners have admitted that the alleged mobile phone was recovered from a dustbin in the hospital. At this stage, the petitioners have not been able to furnish any satisfactory explanation regarding their presence in the hospital premises at the relevant time. The investigation, as submitted, stands concluded and the petitioners have been charge-sheeted under the aforesaid sections.
7. A hospital is a place meant for healing an island of hope for attendants and patients alike and it cannot be permitted to become a hunting ground for those who would take advantage of vulnerability. The nature of accusation, the attendant circumstances reflected in the materials, and the prima facie linkage presently appearing from the record, do not persuade this Court to extend the discretionary relief of bail at this stage.

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8. In view of the aforesaid facts and circumstances, the prayer for bail of the petitioners Kundan Kumar and Sudhir Kumar is rejected.
9. It is made clear that the petitioners shall be at liberty to renew their prayer for bail at an appropriate stage, if there is any change in circumstances, or if the trial does not proceed with due dispatch.
10. Let this order be communicated to the learned court below forthwith for compliance.

Dictated

Naghna Parameeswari
Addl. Sessions Judge-04, Danapur
06/03/26