

IN THE COURT OF ADDL. SESSIONS JUDGE-IV, DANAPUR

Bail Petition No. 234 of 2026 (Shahpur P.S. Case No. 01/2026)

In the matter of;

Pinku Kumar, s/o Shyam Babu Sao, R/o- Vill. Sikandarpur, P.S. Shahpur, Distt. Patna.

..... Petitioner

Vs.

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

Represented by; Sri. Nitish Kumar (Adv.)for the petitioner
Sri Kalam Ansari, Addl. P.P.for the O.P.

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

ORDER

13.04.2026	<ol style="list-style-type: none">1. The present application dated 18.02.2026 has been filed under Section 483 of the Bharatiya Nagrik Suraksha Sanhita, 2023, on behalf of the petitioner, Pinku Kumar, who is in judicial custody since 02.01.2026, in connection with Shahpur P.S. Case No. 01 of 2026, registered for the offences punishable under Sections 126(2), 115(2), 118(1), 118(2), 109, 351(2), and 352 of the Bharatiya Nyaya Sanhita, 2023.2. Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State. Perused the materials available on record including the case diary.3. The Prosecution case is based on the written report of the informant Vinod Kumar given to the SHO, Shahpur, on 01.01.2026, it is alleged, inter alia, that on 31.12.2025 at about 11:00 a.m., when the informant was at his door, the petitioner came to him and all of a sudden took his middle finger into his mouth and bit it with his teeth. Thereafter, the informant was taken to Danapur Hospital, from where he was referred to LNJP and further to PMCH.4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated due to previous enmity. It is contended that no such occurrence took place in the manner alleged. It is further submitted that, even according to the prosecution	Contd.
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<p>Contd. 13.04.2026</p>	<p>materials, there is no cogent material to justify continued detention of the petitioner for the graver offences alleged, particularly when no prima facie case under section 109 is made out against the petitioner. Learned counsel further submits that though the petitioner has no criminal antecedents. It is also submitted that the petitioner has remained in custody since 02.01.2026, investigation has concluded, charge-sheet has already been submitted, and therefore no further custodial interrogation is required. The petitioner undertakes to cooperate in the trial and to abide by any condition imposed by this Court.</p> <p>5. Per contra, learned Additional Public Prosecutor opposes the prayer for bail and submits that there are specific allegations against the petitioner of restraining, and assaulting the informant, who suffered grievous injuries on his parts. It is further submitted that having regard to the gravity of the accusation, he does not deserve the privilege of bail.</p> <p>6. I have considered the rival submissions and perused the materials on record. At the stage of consideration of bail, a detailed examination of the evidence is neither warranted nor desirable. The Court is required to assess, broadly, the nature of accusation, the severity of punishment in the event of conviction, the prima facie materials available, the possibility of tampering with evidence or influencing witnesses, the likelihood of fleeing from justice, the stage of investigation, and the antecedents of the accused. It is well settled that grant of bail is the rule and refusal is an exception, subject of course to the facts of each case. In Sanjay Chandra v. CBI, (2012) 1 SCC 40, it was observed that the object of bail is to secure the appearance of the accused at trial and that pre-trial detention should not become punitive. Similar emphasis on the presumption of innocence and the importance of personal liberty finds reiteration in Dataram Singh v. State of Uttar Pradesh, (2018) 3 SCC 22 and Satender Kumar Antil v. CBI, (2022)</p>	<p>Contd.</p>
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<p>Contd. 13.04.2026</p>	<p>10 SCC 51.</p> <p>7. In the present case, there are indeed specific allegations against the petitioner. At the same time, certain factors weigh with this Court for the purpose of bail:</p> <ul style="list-style-type: none">a. the petitioner is in custody since 02.01.2026;b. investigation stands completed and charge-sheet has been filed;c. no further custodial interrogation appears necessary;d. the trial is likely to take some time. <p>8. Without expressing any opinion on the merits of the prosecution case, and considering the totality of the facts and circumstances, particularly the period of custody, completion of investigation, submission of charge-sheet, and the settled principles governing grant of bail, this Court is of the view that further incarceration of the petitioner is not warranted at this stage, subject to strict conditions to ensure his presence and fair conduct during trial.</p> <p>9. Accordingly, the petitioner, Pinku Kumar s/o Shyam Babu Sao, is directed to be released on bail in connection with Shahpur P.S. Case No. 01 of 2026, 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 court concerned, subject to the following conditions:</p> <ul style="list-style-type: none">a. The petitioner shall cooperate with the trial and shall appear before the learned trial court on each and every date fixed, unless his personal appearance is exempted in accordance with law.b. The petitioner shall not tamper with the prosecution evidence or attempt to influence, threaten, induce, or coerce the informant or any prosecution witness in any manner.c. The petitioner shall maintain peace and good behaviour and shall not involve himself in any offence of similar	<p>Contd.</p>
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<p>Cond. 13. 04.2026</p>	<p>nature during the pendency of the trial.</p> <p>d. In case it is found that the petitioner has suppressed any material fact, including his criminal antecedents, or violates any of the conditions imposed above, the prosecution shall be at liberty to seek cancellation of bail.</p> <p>e. The learned court below shall verify the criminal antecedents of the petitioner. If it is found that the petitioner is not on bail in the earlier cases, or that there is concealment of any other pending criminal case, the learned court below shall be at liberty to take appropriate steps in accordance with law, including for cancellation of bail.</p> <p>10. It is made clear that the observations made herein are only for the purpose of adjudication of the present bail application and shall not prejudice either party at the stage of trial.</p> <p style="text-align: right;">(Naghma Tarannum) Addl. Sessions Judge-IV, Danapur</p>	
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