

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20225 of 2026

Arising Out of PS. Case No.-359 Year-2025 Thana- KALYANPUR District- Samastipur

Krishna Kumar Sahni @ Krishna Sahni S/O Kapsi Sahni @Kapileshwar
Sahani R/o Village - Bhagirathpur, P.S- Kalyanpur, District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bijay Bhushan Prasad, Advocate

For the Opposite Party/s : Mr. Bharat Bhushan, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 07-05-2026 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner is apprehending arrest in connection with Kalyanpur P.S. Case No. 359 of 2025, dated 28.10.2025, lodged under Sections 103(1) & 3(5) of the Bhartiya Nyaya Sanhita, 2023 (hereinafter referred to as “BNS, 2023”) and Section 27 of the Arms Act. Further Sections 25(1-b)a, 26 and 35 of the Arms Act has also been added, pending before the Court of C.J.M., Samastipur.

3. As per the prosecution, FIR has been lodged against five named accused persons including the present petitioner. The specific allegation is against one accused person, namely, Ram Janam Sahani, who allegedly fired from a pistol upon the



husband of the informant, due to which he died on the spot, and thereafter all the accused persons fled away.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. Counsel further submits that it is true that the name of the petitioner is present in the FIR, but there is no specific allegation against him, nor any act or overt act has been attributed to him. Counsel further submits that no independent witness has seen the occurrence. Counsel further submits that the criminal antecedent of the petitioner is clean and he deserves bail.

5. Learned APP for the State opposes the prayer for bail of the petitioner and submits that with a view to verify the allegations made in the FIR, the case diary has been called for and upon perusal of the same, particularly paragraph nos. 10, 11 and 13, it transpires that all the five accused persons, including the petitioner, were present. Though the firing was made by Ram Janam Sahani, the petitioner was also a member of the mob.

6. Considering the facts and circumstances of the present case, this Court is not inclined to grant anticipatory bail to the petitioner. Accordingly, the prayer for anticipatory bail of the petitioner is hereby rejected.



7. Liberty is hereby granted to the petitioner that if he surrenders within six weeks, 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 an order on the merits of the case.

(Dr. Anshuman, J.)

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