IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47729 of 2026

CNR No. BRHC010661052026

Arising Out of PS. Case No.-871 Year-2025 Thana- ALAMGANJ District- Patna

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Vijay Sahni @ Vijay Kumar Son of Ramchandra Sahni Resident of Mohalla - Gaighat, P.S.- Alamganj, District - Patna, at present renter of Sima Dikshit, Daughter of Gyanendra Kumar Dikshit, Resident of Mohalla - Ashokchak, Paschmi Lakshminagar, P.S.- Ramkrishnanagar, District - Patna.

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Raj Krishna Jha, Advocate
For the Opposite Party/s : Mr. Nand Kishore Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

5 04-11-2026 Heard learned counsel for the petitioner and learned APP for the State. Perused the case diary.

2. The petitioner seeks bail in connection with Alamganj P.S. Case No. 871 of 2025 instituted for the offences under Sections 109(1), 132 of the Bharatiya Nyaya Sanhita, 2023 and 25(1-b)a, 26, 35 of the Arms Act.

3. The prosecution case, in brief, is that, acting on secret information regarding the presence of notorious criminal Vijay Sahni (petitioner), the police raided his hideout at Ramkrishnanagar, Ashok Chak, and during the course of recovery of concealed arms, the petitioner snatched a firearm, pushed a police officer and opened fire at the police party,

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whereupon the police retaliated in self-defence, causing firearm injuries to the petitioner, who was subsequently admitted to NMCH, Patna, for treatment.

4. Learned counsel for the petitioner submitted that the petitioner is innocent and has falsely been implicated in the present case only on the basis of his criminal antecedent. No incriminating article has been recovered from the conscious possession of the petitioner. Learned counsel further contended that it is alleged in the FIR that the petitioner made firing upon the police party, but none of the policer personnel sustained injuries. He futher contended that, as a matter of fact, the petitioner sustained bullet injury which was caused due to the firing made by the police personnel. Learned counsel, therefore, contended that Section 109(1) of the Bharatiya Nyaya Sanhita, 2023 is not attracted against the petitioner. It has been submitted on behalf of the petitioner that the petitioner is in custody since 03.09.2025 and has four criminal antecedents but he is on bail in all those cases.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case as also the period of custody undergone by the

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petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail on furnishing bail bonds of Rs. 15,000/- (Rupees Fifteen Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Alamganj P.S. Case No. 871 of 2025, subject to the following conditions:

(I) One of the bailors shall be the petitioner's own or a close family member.

(II) The petitioner shall appear on each and every date fixed during the trial and shall not remain absent on two consecutive dates without sufficient cause.

(III) The petitioner shall not tamper with the prosecution evidence or influence/intimidate any witness during the course of trial.

(IV) The petitioner shall not commit any offence of a similar nature in future.

In case of violation of any of the aforesaid conditions, the Trial Court shall be at liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

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