

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17920 of 2026

Arising Out of PS. Case No.-348 Year-2024 Thana- NAUBATPUR District- Patna

=====

ANAND KUMAR Son of Dharmendra Sharma @ Dharmendra Kumar Under
the Guardianship of his Mother Guriya Devi, W/o Dharmendra Kumar @
Dharmendra Sharma, Resident of Village - Samanpura, P.S.- Naubatpur,
District - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s	:	Mr. Ravi Shankar Pathak, Advocate
For the Opposite Party/s	:	Mr. Ram Naresh Ray, APP
For the Informant	:	Mr. Sumit Kumar, Advocate
		Mr. Mukul Kumar, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 423-06-2026
1. Heard learned counsel for the petitioner, learned A.P.P. for the State and the learned counsel appearing on behalf of the informant.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 341, 323, 302, 504, 120(B) and 34 of the Indian Penal Code read with Section 27 of the Arms Act.



3. Learned counsel for the petitioner submits that petitioner is a minor aged about 16 years and has antecedent of one case which was also instituted from the side of the informant and he has preferred the instant anticipatory bail application under the guardianship of his mother, Guriya Devi.

4. It is next submitted that a learned Co-ordinate Bench in Criminal Miscellaneous No. 43991 of 2024 (Rohit Kumar Yadav Vs. The State of Bihar) has held at Para 61 that anticipatory bail application, at the instance of minor, is maintainable.

5. The Court has gone through the order dated 12.09.2025 in Criminal Miscellaneous No. 43991 of 2024 and after perusing Paras 58, 59, 60 and 61 is in agreement that anticipatory bail at the instance of minor is maintainable.

6. Learned counsel for the petitioner next submits that informant alleges that his son Shubham went to Naubatpur for some domestic work on 27.06.2024 and talked to his mother at 04:32 PM, but did not return, hence informant and his wife started searching Shubham and saw his motorcycle parked near Narayanpur Field Canal Road, further they heard cry of someone at some distance, accordingly, the informant reached the place of occurrence and saw petitioner and other named



accused persons were surrounding his son and informant being frightened fell on the ground, further Dharmendra and Sunny shot Shubham, hence informant ran towards his son when Dharmendra said to kill him also, thereafter, Sunny, Ramu and Ritik fled towards the lake on a bike while Dharmendra also fled and informant's wife saw Golu fleeing from the place of occurrence, further Shubham was brought to AIIMS, Patna where he was declared dead, it is next alleged that the reason for the occurrence is that the deceased was not relenting to withdraw Naubatpur P.S. Case No. 325 of 2024 instituted against the petitioner and others.

7. The learned counsel appearing on behalf of the petitioner submits that from perusal of the allegation as alleged in the FIR, it would manifest that specific allegation of firing is against Dharmendra and Sunny. It is next submitted that petitioner is alleged to have been present at the place of occurrence and was carrying gun, but then it is not alleged that petitioner also fired. It is further submitted that Dharmendra is father of the petitioner and Dharmendra is alleged to have fired along with Sunny killing the deceased. It is next submitted that it does not appear probable that father would have asked his minor son to accompany him with gun for committing the



occurrence.

8. It is next submitted by the learned counsel appearing on behalf of the petitioner that similarly situated co-accused had approached this Court seeking anticipatory bail by filing Criminal Miscellaneous No. 36616 of 2025 (Bijendra Sharma @ Bijendra Kumar Vs. The State of Bihar) and the same came to be allowed by a learned Co-ordinate Bench by an order dated 18.06.2025, further Golu Kumar had filed Criminal Miscellaneous No. 80033 of 2024 seeking anticipatory bail and the same also came to be allowed by a learned Co-ordinate Bench by an order dated 31.01.2025. It is further submitted that if privilege of anticipatory bail is granted, the petitioner will not abscond rather will cooperate in the investigation to prove his innocence. It is also asserted and submitted that petitioner will also not run away from the trial in the event if charge sheet is submitted.

9. Learned A.P.P. for the State as well as the learned counsel appearing on behalf of the informant opposes the anticipatory bail application of the petitioner. Learned counsel appearing on behalf of the informant submits that though petitioner has moved this Court seeking anticipatory bail as a minor, but then it might be a possibility that petitioner is not a



minor rather is a major and the same shall be assessed by the Juvenile Justice Board. It is also submitted that petitioner falls in the age group of 16-18 years, as such, if privilege of anticipatory bail is granted, considering the petitioner to be a minor, in that event the case of the prosecution might get prejudiced, on which learned counsel appearing on behalf of the petitioner submits that in the event if the Juvenile Justice Board holds the petitioner to be a major that would be a different aspect of the matter and assessment of the petitioner i.e. whether he is a minor or a major or shall be tried by Children Court or general Court is an aspect which shall be decided by the Juvenile Justice Board.

10. After hearing the learned counsel for the parties and taking into consideration the submissions made by the learned counsel appearing on behalf of the petitioner, the petitioner above-named, in the event of his arrest or surrender within a period of six weeks from today, be released on anticipatory bail 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 trial court where the case is pending/successor court in connection with Naubatpur P.S. Case No. 348 of 2024 subject to the conditions as laid down



under Section 482 (2) of BNSS.

11. One of the bailors of the petitioner shall be his mother, Guriya Devi.

12. Accordingly, the instant anticipatory bail application stands allowed.

13. It is made clear that grant of anticipatory bail considering the petitioner a minor in no way shall come in the way of Juvenile Justice Board in assessing the age of the petitioner.

(Satyavrat Verma, J)

Rishabh/-

U		T	
---	--	---	--

