

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34073 of 2026

Arising Out of PS. Case No.-27 Year-2026 Thana- PATNA CITY CHOWK District- Patna

Deepak Kumar @ Gajju S/o- Ranjeet Thakur R/O, Sader Gali, Banwari Tola,
Near Kath ki Devi, Patna City, District- Patna 800008.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Aftab Alam Siddiqui, Advocate

For the Opposite Party/s : Mr. Md. Aslam Ansari, APP

CORAM: HONOURABLE MR. JUSTICE RITESH KUMAR
ORAL ORDER

2 18-05-2026 Heard the learned counsel for the petitioner and
the learned APP for the State.

2. The petitioner apprehends his arrest in connection with Chowk P.S. Case No. 27 of 2026, for allegedly having committed offence under Sections 103(1), 109 and 3(5) of the BNS.

3. As per the prosecution story, which has been lodged on the basis of written report submitted by the informant to the effect that he received information on 12.01.2026 that his son and his two friends have been injured with *chaapar* and are being taken to Guru Govind Singh Hospital, Patna City for treatment. On receiving the said information, the informant went to the hospital, where he found his son Bittu Kumar lying dead on the stretcher with injury mark on his body. When he enquired



from his relatives, who were present there, he came to know that the son of his brother-in-law, namely, Rakesh Kumar has also received injury on his shoulder and is undergoing treatment. Ankit Kumar, who is the friend of his son, has also been beaten with *chhapar* in his back and he is undergoing treatment at a local doctor. Upon enquiry from the injured Rakesh Kumar, the informant came to know that Daksh Kumar, Deep Kumar @ Gajju (petitioner), Aditya Keshri and Golden Rai, along with 3-4 unknown boys attacked the son of the informant and his friends with knife, due to dispute near Bhagat Singh Chowk, opposite Titan Watch Shop, due to which, the son of the informant succumbed to his injuries and other two persons received injuries for which, they are being treated.

4. The learned counsel for the petitioner submits that the petitioner is a minor studying in class-IX and as per his Aadhar Card and school Identity Card, he is of 15 years of age. He further submits that the petitioner is a person having clean antecedent and as per the provisions contained in Section 3(i) to (vii) under General Principle of Care and Protection of Children of Juvenile Justice (Care and protection of Children) Act, 2015. The occurrence took place due to sudden provocation and the father of petitioner is ready to furnish bail bonds. He further



submits that the petitioner is a minor in conflict with law and deserves anticipatory bail in view of the order passed by a learned Co-ordinate Bench of this Court dated 12.09.2025 passed in Cr. Misc. No. 43991 of 2024 R/W welfare provisions of the Juvenile Justice (Care and Protection of Children) Act, 2015, which clearly states the child in conflict with law, since minor cannot be deprived off his Fundamental Right under Article 21 of the Constitution of life and liberty. The petitioner has got clean antecedent.

5. The learned APP for the State vehemently opposes the prayer for bail of the petitioner and submits that the petitioner along with other co-accused has killed the son of the informant and has also injured two of his friends.

6. Having heard the rival submissions and after going through the record, it appears that the petitioner and his other friends assaulted the son of the informant and two others with *Chhapar* and others, due to which the son of the informant suffered injuries and succumbed to the same on way to hospital. The learned Court of District and Additional Sessions Judge-II, Patna City vide his order dated 02.04.2026, directed the petitioner to appear with his father before the Juvenile Justice Board and to pray for protection from there. Considering the



facts and circumstances of the case, the anticipatory bail petition of the petitioner is rejected with a liberty to the petitioner to move before the Juvenile Justice Board, where the age of the petitioner would be assessed and if it is found that the petitioner is a minor, the procedure prescribed under law in the Juvenile Justice (Care and Protection of Children) Act, 2015 should be followed.

7. With the aforementioned observation, the bail petition of the petitioner is rejected.

(Ritesh Kumar, J)

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