

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10320 of 2013

Arising Out of PS.Case No. -74 Year- 2008 Thana -BIHPUR District- -

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Mantu Kumar @ Hagna son of Byash Kumar, resident of village- Sonbarsa
P.S. Bihpur, District Bhagalpur under the guardianship of Byas Kumar the
father.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : None.

For the Opposite Party/s : Mr. Shyam Kr. Singh, APP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

7 23-07-2015 Despite repeated calls, none appears on behalf of the
petitioner in support of the present application.

Learned Additional Public Prosecutor appearing on
behalf of the State, by referring to the averments made in the
counter-affidavit filed on behalf of the Superintendent of Police,
Naugachia, in compliance of the order dated 30.08.2012 passed by
this Court, submits that the petitioner was produced before the
Medical Board and his age was assessed to be 40-45 years on
15.06.2012 i.e. the date of examination of the petitioner by the
Medical Board. Hence, according to him, on the date of
occurrence the petitioner was aged about 36 years. Therefore, his
claim to be juvenile on the date of occurrence cannot be
entertained and he has to face regular trial of the criminal offence
registered for sections 302, 364 and some other allied offences of
the Indian Penal Code.

Learned Additional Public Prosecutor appears to be
correct, as no rejoinder affidavit has been filed on behalf of the
petitioner to the aforesaid counter-affidavit filed way back in the

year 2012.

In the aforesaid facts and circumstances, this Court is of the opinion that the present matter has become infructuous and it is, accordingly, dismissed.

(Birendra Prasad Verma, J)

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