

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12905 of 2016

Arising Out of PS.Case No. -262 Year- 2013 Thana -POTHIYA District- KISANGANJ

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1. Md. Jamal @ Jamaluddin son of Md. Malik
2. Md. Akbar son of Md. Ekramul Haque, and
3. Md. Kurban son of Safikul Alam All resident of Village- Birpur Colony,
Police Station- Pothia, District- Kishanganj.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dilip Kumar Singh

For the Opposite Party/s : Mr. Mukeshwar Dayal (App)

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL
ORAL ORDER

2 07-04-2016 Heard the Counsel for the petitioners and the APP for the
State.

Eight years old minor daughter of the informant had gone to
nearby shop/market place. She did not return even when the
darkness has set in. The mother made frantic searches which
revealed that the girl was found sitting on the back of the cycle
driven by a young person. On the following day, she was found
deserted in a ditch. On retrieval, she was brought to the hospital
where she died. The F.I.R. being Pothia P.S. Case No. 262 of 2013
was registered under sections 363, 341, 323, 307, 376 and 379 of
the Indian Penal Code in which Section 302 IPC was added later
on.

The contention of the petitioners is that two years after the

occurrence, they have been suspected as the accuseds. All the three petitioners are minor(s).

The offence is serious in nature. It appears the investigation is still going on. If the petitioners claim juvenility, they are to surrender before the Juvenile Justice Board and if the claim is found true, they shall either be set at liberty and/or sent to the Observation Home/Remand Home which cannot be equated to prison.

These reasons persuade this Court not to grant the relief to the petitioners and direct the petitioners to surrender and raise the claim of juvenility in the Court below/Juvenile Justice Board concerned.

The application stands disposed of.

(Kishore Kumar Mandal, J)

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