

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43377 of 2017

Arising Out of PS.Case No. -88 Year- 2017 Thana -LAUKHI District- MADHUBANI

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Nitish Kumar, Son of Doma Ray, Resident of Village- Bhaptiyahi, Police
Station- Laukahi, District- Madhubani.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shailendra Kumar Jha

For the Opposite Party/s : Mr. Anand Kishore Choudhary

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

2 22-09-2017

Heard the parties.

This application, for grant of anticipatory bail, arises out of Laukahi P.S. Case No. 88 of 2017, corresponding to G.R. No. 40 of 2017, disclosing offences under Section 376 of the Indian Penal Code and Section 4/6 POCSO Act.

The date of birth of the petitioner has been shown as 05.02.2002 in the registration card, issued by the Bihar School Examination Board, Patna, which has been brought on record by way of Annexure-2 to this application.

No plea of juvenility has been taken in the application.

In view of the date of birth, as mentioned in the



said registration card, on which the petitioner is placing reliance, this application for grant of anticipatory bail cannot be considered, if the petitioner is a juvenile.

This application is, accordingly, rejected.

It is made clear that the observation made in this order will not be construed as any finding on the point of petitioner's juvenility. It will be open to the petitioner to raise the question of juvenility in accordance with law in appropriate proceeding.

The application stands disposed of.

(Chakradhari Sharan Singh, J)

Praveen-II/-

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