

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.193 of 2016

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1. Pankaj Yadav @ Pankaj Kumar Yadav son of Chandeshwary Yadav,
Resident of Gordah, P.S.- Salakhua, District- Saharsa Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Department of Home,
Government of Bihar, Patna
2. The Principal Secretary, Department of Home, Government of Bihar,
Patna Respondents

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Appearance :

For the Petitioner : Mr. Anjum Perveen, Adv.

For the Respondents : Mrs. Vinita Singh, S.C. 28

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

8 19-07-2017

Heard the parties.

The petitioner has invoked the writ jurisdiction of this Court for a command to the respondents to determine the claim of juvenility raised by the petitioner.

By order, dated 04.04.2017, this Court had directed the learned Chief Judicial Magistrate, Saharsa, to consider the prayer of the petitioner and proceed according to law. In pursuance of that order a report has been received from the Juvenile Justice Board, Saharsa, along with the copy of the order, dated 29.06.2017, passed in Cr. Misc. No. 95 of 2017, which shows that the petitioner has been declared juvenile.

It is worth to mention that the petitioner is a convict in connection with Salkhua P.S. Case No. 160 of 2007, a case under Section 302/34 of the Indian Penal Code, corresponding to Sessions Trial No. 71 of 2008. conviction of the petitioner was confirmed by a Division Bench of this Court in Criminal Appeal (DB) No. 1066 of 2009, thereafter, the aforesaid issue of juvenility was raised.

Now the prayer is that since the petitioner has been



declared juvenile he need not be detained in jail as per the provision of Juvenile Justice (Care and Protection of Children) Act.

The petitioner is at liberty to raise the aforesaid issue for his release before the appropriate authority, which shall pass necessary order according to law.

With the aforesaid observations, this application stands **disposed off**.

(Birendra Kumar, J)

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