

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.5767 of 2018

Arising Out of PS.Case No. -168 Year- 2016 Thana -NAWADA District- NAWADA

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Vikash Kumar S/o Prakash Saw, R/o Village- Balia Rajauli, P.S.- Rajauli,
District- Nawada.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Devendra Prasad Singh, Advocate

For the Opposite Party/s : Mr. Sri Zainul Abedin, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL ORDER

2 09-02-2018 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner seeks pre-arrest bail in connection
with Nawada Town P.S. Case No. 168 of 2016 registered under
Sections 147, 149, 341, 419, 420, 467, 468, 471, 224, 225 and
337 of the Indian Penal Code.

It is submitted by the learned counsel for the
petitioner that the date of birth of the petitioner is 05.02.2001
and, thus, he is a juvenile in conflict with law. He submitted that
the only allegation against the petitioner is that one Amit Mistry
was personating him in the matriculation examination, 2016 held



by the Bihar School Examination Board.

In view of the fact that the petitioner is said to be a juvenile, in the opinion of this Court, an application under Section 438 of the Code of Criminal Procedure would not be maintainable.

Accordingly, the application is dismissed as not maintainable.

However, the petitioner would be at liberty to move application for bail in terms of the provisions prescribed under the Juvenile Justice (Care and Protection of Children) Act before appropriate forum.

(Ashwani Kumar Singh, J.)

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