

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.1391 of 2017

Arising Out of PS.Case No. -null Year- null Thana -null District- BHOJPUR

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Guddu Rai Son of Mathura Rai, resident of Village- Bahadurpur, P.S. Again Garhani, District Bhojpur.

.... Petitioner/s

Versus

1. The State of Bihar
2. The District Magistrate, Bhojpur at Ara.
3. The Superintendent of Police, Bhojpur at Ara.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ram Bilash Mahto, Advocate
Mr. Manoj Kumar Singh, Advocate
Mr. Tarkeshwear Nath Thakur, Advocate
Mr. Sunil Kumar Yadav, Advocate

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL JUDGMENT

Date: 03-07-2018

Heard learned counsel for the petitioner and learned counsel representing the State.

Learned counsel for the petitioner submits that the petitioner has been declared juvenile by the Juvenile Justice Board as contained in Annexure-4 to the writ application, still the trial of the petitioner has not been separated and, therefore, a direction is required to be issued to segregate the trial of the petitioner who has to be tried like a juvenile with the provisions of the Juvenile Justice Care and Protection of Children Act, 2015.



On the other hand, learned counsel representing the State has drawn attention of this Court towards the order dated 06.05.2017 passed by learned Additional Sessions Judge, Bhojpur, Ara in Sessions Trial No.360 of 2013 wherein the submission of the prosecution has been recorded stating that this petitioner had passed his matriculation examination in the year 2009 and Intermediate examination from K.S. College, Ara in the year 2011 the date of birth of the petitioner is 01.2.1992 in the certificate, therefore, on the date of alleged occurrence, the petitioner was more than 20 years old. Learned counsel submits that in fact the petitioner has moved this Court when the aforesaid issue was raised on behalf of the prosecution and his application dated 31.08.2016 was rejected by the learned Additional Sessions Judge, Bhojpur, Ara.

While going through the submissions made in the writ application, this Court finds that the petitioner has not even challenged the submissions of the prosecution with regard to his passing the matriculation examination and the Intermediate in the year 2009 and 2011 respectively. The writ application does not challenge the findings recorded in the order of the learned Additional Sessions Judge that the date of birth of the petitioner as recorded in the matriculation certificate is 01.02.1992. This being the position, the Court is of the view that the writ application is totally misconceived



and his liable to be dismissed.

It is dismissed accordingly.

(Rajeev Ranjan Prasad, J)

N.H./-

AFR/NAFR	NAFR
CAV DATE	N/A
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