

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.699 of 2016

Arising Out of PS.Case No. -17 Year- 2012 Thana -ATHMALGOLA District- PATNA

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Bhola Ram @ Bholi Ram S/o Baleshwar Ram Resident of Village- Ram Nagar
Diyara Ganpat Rai Ke Tola, P.S.- Athamalgola, District- Patna.

.... Appellant/s

Versus

The State of Bihar

.... Respondent/s

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Appearance:

For the Appellant/s : Mr. Dharendra Kumar, Adv.

For the Respondent/s : Mr. Abhay Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI

CAV ORDER

Date: 21-09-2017

I.A. No.552/2017 has been filed on behalf of appellant on the pretext of claiming himself to be juvenile and so prayed for declaration of juvenility in his favour. In order to substantiate its claim, it has been submitted that his date of birth happens to be 10.04.1997 while the alleged occurrence is of dated 02.03.2012 on which date he was even below 15 years of age.

2. The aforesaid prayer has been contested on behalf of respondent State by way of filing counter affidavit. Furthermore, it has been submitted that plea of juvenility has not been raised on behalf of appellant during course of trial, statement under Section 313 Cr.P.C. and so, prayer would not be maintainable.

3. So far plea is concerned is found maintainable in terms of Section 7A of the Juvenile Justice (Care and Protection of Children) Act whereupon the learned lower court is directed to conduct an inquiry and transmit the same with his own finding on



that very score and for that, both the parties should be properly noticed supported by proper execution report. The inquiry must be completed within three months, from the date of receipt of the order. Office to communicate at once and list after procurement of report in terms of direction having given herein above.

(Aditya Kumar Trivedi, J.)

Prakash Narayan

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	22.09.2017
Transmission Date	22.09.2017

