

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84374 of 2019

Arising Out of PS. Case No.-278 Year-2018 Thana- BHAGALPUR KOTWALI District-
Bhagalpur

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AJAY KUMAR @ AJAY MANDAL Son of Late Fuso Mandal Resident of
Village - Jichho, P.S.- Lodhipur, District - Bhagalpur... .. Petitioner/s
Versus

1. The State of Bihar Bihar
 2. Situ Kumari Daughter of Bahadur Mandal Resident of Badi Sardho, P.S.-
Sabour, District - Bhagalpur.
- Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Deepak Kumar Sinha
For the Opposite Party/s : Mr.Surendra Prasad Singh

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 19-12-2019 The instant case has been filed on behalf of the petitioner for quashing of order dated 26.3.2019 vide Sessions Trial No. 865/18 (POSCO), Bhagalpur arising out of Kotwali (Barari) PS Case No. 178/18 under Section by which learned Special Court (POCSO) Bhagalpur has passed order with regard to framing of charge against the petitioner under section 366(A) IPC and under Section 04 (POCSO) Act.

Counsel for the petitioner submits that he seriously disputes the age of the petitioner as per assessment by the court. It is submitted that on the basis of wrong age assessment the offence has been brought within the purview of Pocso Act.

It is submitted that the said issue will be raised by the petitioner before the court below at the appropriate stage.

In view of said submission no order is required to be passed.

The petitioner will have his remedies by placing these materials at the appropriate stage for consideration by the court below which shall be considered without prejudice by the order



of dismissal of this application.
This application is dismissed.

(Madhuresh Prasad, J)

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