

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1641 of 2019

Arising Out of PS. Case No.-154 Year-2007 Thana- RAJAPAKAR District- Vaishali

Akhilesh Kumar @ Akhilesh Rai @ Aklesh Kumar @ Aklesh Rai Son of
Baubey Lal Rai @ Baua Lal Rai, Resident of Village-Uttari Gangajal Parati,
P.S.-Rajapakar, District-Vaishali.

... .. Petitioner

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
2. The Principal Secretary, Department of Home, Bihar, Patna.
3. The Secretary, Department of Law, Bihar, Patna.
4. The Inspector General of Police (Prison), Bihar, Patna.
5. The Jail Superintendent, Adarsh Central Jail, Beur, Patna.
6. The District Magistrate, Vaishali at Hajipur.
7. The Superintendent of Police, Vaishali at Hajipur.

... .. Respondents

Appearance :

For the Petitioner/s : Mr.Satya Prakash Sinha, Advocate
For the Respondent/s : Mr.Prabhat Kumar Verma, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 28-01-2020 Writ petitioner in this case is looking for a direction to the respondents to get the petitioner declared juvenile in accordance with law after proper enquiry and medical examination of the petitioner. Petitioner is a convict for an offence under Section 376 of the Indian Penal Code and he has been sentenced to undergo rigorous imprisonment for life along with fine to the tune of Rs. 10,000/- in Sessions Trial No. 115 of 2009. The judgment of the learned trial court has been affirmed by this Hon'ble Court in Cr. APP. (DB) No. 908 of 2011 vide



judgment dated 25.05.2016.

Learned counsel for the petitioner submits that the claim of juvenility may be raised at any stage and, therefore, he cannot be precluded from raising a plea of juvenility in accordance with law.

This Court finds no quarrel from the proposition of law as regards the juvenility, however, in the facts of the present case this Court finds that the petitioner has yet not applied for his remedy before the appropriate forum and in accordance with law. For the present since no application before the competent forum is pending consideration, this Court has no reason to issue a writ of Mandamus at this stage.

This writ application is, thus, disposed off giving liberty to the petitioner to seek his remedy, if any, available to him in accordance with law before the appropriate forum.

This application stands disposed off accordingly.

(Rajeev Ranjan Prasad, J)

vats/ved

U		T	
---	--	---	--

