

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.23106 of 2022**

Arising Out of PS. Case No.-134 Year-2021 Thana- MOTIPUR District- Muzaffarpur

CHANESH KUMAR SAHANI Son of Birendra Sahani Village - Chakardah,  
P.O. and P.S.- Piprakothi, District - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Santosh Kumar, Adv.

For the Opposite Party/s : Mr.Md. Mushtaque Alam, APP

**CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY**  
**ORAL ORDER**

2      28-06-2022                      The present matter has been listed under the heading “To Be Mentioned” on the basis of motion slip filed on behalf of the petitioner.

Let the defect(s), as pointed out by the office, be removed within a period of four weeks from today.

Heard learned counsel for the petitioner and learned A.P.P. for the State.

The petitioner seeks bail in connection with Motipur P.S. Case No. 134 of 2021 registered for the offences punishable under Sections 399, 400, 402, 120(B) of the Indian Penal Code and Sections (25-B)a, 26, 35 of the Arms Act.



Learned counsel for the petitioner submits that the present petitioner is aged about 16 years and in Para 10 of bail petition he has specifically mentioned that the petitioner is juvenile.

Learned A.P.P. on behalf of the State does not controvert the submission of the counsel for the petitioner.

From perusal of the impugned order, it is clear that no claim with regard to the juvenility of the petitioner has been raised and for the first time, the counsel of petitioner has raised the claim of juvenility in this Court.

In view of the claim raised by the counsel of the petitioner, let the matter be remanded back to Juvenile Justice Board (West), Muzaffarpur with a direction to conclude the enquiry with regard to the claim of juvenility of petitioner within mandatory period as stipulated in the Juvenile Justice (Care and Protection of Children) Act.

However, the Court does not express any opinion on the aforesaid matter.

Let copy of necessary document attached with the petition be sent to concerned court for enquiry and necessary order.



In view of above stated terms, the present  
petition stands disposed off.

**(Alok Kumar Pandey, J)**

Shahzad/-  
Amit

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