

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11252 of 2021**

Arising Out of PS. Case No.-353 Year-2018 Thana- NATHNAGAR District- Bhagalpur

SATYAVEER KUMAR Son of Gajadhar Prasad Yadav Resident of Mohalla -
Sahibganj, P.S.- Vishwavidyala, District - Bhagalpur.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Arsh Bano @ Mariyam Daughter of Md. Rejaul Resident of Mohalla - Uttar
Tola, Nathnagar, P.S.- Nathnagar, District - Bhagalpur.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar Jha

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

2 12-09-2023 This application has been filed for quashing the order dated 19.09.2019 passed by the court of Special Judge POCSO, Bhagalpur in G.R. No. 2551/2018 arising out of Nathnagar (Lalmatia)P.S. Case NO.- 353/2018 whereby and whereunder petitioners application dated 18.02.2019 for altering the charge framed u/s 4 of the POCSO Act.

2. Learned counsel for the petitioner has submitted that the Medical Board found the victim's age above 18 years, but the prosecution has filed a petition that at the time of occurrence, the victim was below 18, as per her educational certificate. He has further submitted that without those certificates being filed, the learned Special Court, POCSO



framed the charges under Section 4 of the POCSO Act including other sections of the Indian Penal Code as well as the I.T. Act.

3. Section 34(2) of the POCSO Act makes an obligation on the trial court to determine the age of the victim. At the time of determination of the victim’s age, the learned counsel can take his plea.

4. With these observations, this criminal miscellaneous petition is disposed of.

(Nawneet Kumar Pandey, J)

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