

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10829 of 2021

Arising Out of PS. Case No.-490 Year-2020 Thana- BHABHUA District- Kaimur (Bhabua)

JANAI @ JAINARAIL SAH Son of Hatim Shah @ Hashim Shah Resident of
Village- Mokari, P.S.- Bhabua, Distt- Kaimur (Bhabua)

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. RUCHI KUMARI D/o Radheshyam Singh Resident of Village and Post
Office- Mokari, P.S.- Bhabua, Distt- Kaimur.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar Pathak

For the Opposite Party/s : Mr. A.G.

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

ORAL ORDER

2 11-09-2023 This application has been filed for quashing the order dated 06.10.2020 passed in POCSO Case NO. 25 of 2020, arising out of Bhabua P.S. Case NO. 490 of 2020 registered u/s 376(G) of Indian Penal Code and 6 POCSO Act) by learned Special Judge POCSO, Kaimur, Bhabua whereby and where under the learned court has taken cognizance under Sections 376-D A of the Indian Penal Code and Section 6 of POCSO Act against the petitioner.

2. Learned counsel for the petitioner has submitted that Section 6 of the POCSO Act is not attracted in the present case as the age of the victim was found above 18 years in the report of Medical Board. The age determination of the victim by



the court below or the Juvenile Justice Board as per provisions of Sub-section (2) of Section 34 of the POCSO Act is yet to be done.

3.The petitioner may press this point at the time of framing of the charges.

4. I do not find any substance in the present petition. Accordingly, the criminal miscellaneous petition is dismissed.

(Nawneet Kumar Pandey, J)

Sudha/Sonali-

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