

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47807 of 2024

Arising Out of PS. Case No.-294 Year-2023 Thana- SONBERSA District- Sitamarhi

Ritik Kumar Son of Raj Kumar Mahto R/o Ward No. 13, Madheshra, P.S-
Bhutahi, Dist- Sitamarhi, Bihar, 843317

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Viraj Kadam, Adv.
For the Opposite Party/s	:	Mr. Md. Sufyan, APP
For the informant	:	Mr. Vijay Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

4 17-01-2025 Heard Mr. Viraj Kadam, learned counsel for the
petitioner who has appeared through virtual mode and Mr. Vijay
Kumar, learned counsel for the informant as also the State.

2. The petitioner is in custody in connection with FIR
294 of 2023 registered with PS Sonbarsa for the offence
punishable under sections 302 and 34 of the Indian Penal Code
and Section 27 of Arms Act lodged on 23.09.2023 by the
informant, Usha Devi.

3. The petitioner claims that at the time of occurrence
on 23.09.2023, he was a minor and as such, wrongly treating
him as an adult, has been kept in judicial custody along with the
other persons, seriously jeopardizing his future.

4. Learned counsel for the informant dispute the same



submitting that he is an adult. On earlier occasion also, on the basis of said submission, this Court directed the opposite party/State to provide a medical report relating to the age of the petitioner which has come vide letter no. 63/2024 dated 29.08.2024 issued by the I/C Judicial Magistrate 1st Class, Sitamarhi annexing the letter no. 2879 dated 23.08.2024 sent by the Chief Medical Officer-cum-Civil Surgeon, Sitamarhi and the Medical Board after examining the petitioner found him to be between 14 to 17 years.

5. In that background, learned counsel for the petitioner submits that once it has been confirmed that the petitioner is a minor, he may be permitted to withdraw the petition to move before an appropriate Court treating the petitioner as a juvenile so that an order is passed accordingly.

6. The said prayer is allowed, the petition stands disposed of granting liberty to the petitioner.

(Rajiv Roy, J)

Vijay Singh/-

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