

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.705 of 2024

Arising Out of PS. Case No.-28 Year-2008 Thana- BHELDI District- Saran

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1. Bajrang Rai @ Sunil Kumar Son of Uttam Chandra Prasad @ Uttam Rai @ Uttam Chand Prasad, Resident of Vilalge- Parsa Jogni, P.S.- Bheldi, Distt.- Saran
 2. Vikram Kumar @ Bikram Rai @ Awadhesh Kumar Son of Uttam Chandra Prasad @ Uttam Rai @ Uttam Chand Prasad, Resident of Vilalge- Parsa Jogni, P.S.- Bheldi, Distt.- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Anjani Parashar

For the Respondent/s : Mr. Md. Fahimuddin

CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

2 14-07-2025 The petitioners of the instant revision are majors aged about 25 years and 27 years. They were arraigned as accused in connection with Bheldi P.S. Case No. 28/2008 corresponding to Sessions Trial No. 621/2009 which is pending before the learned 1st Additional Sessions Judge, Saran for examination of the accused under Section 313 of the CrPC.

2. At this stage, the father of the above-named petitioners filed an application, stating, *inter alia* that the name of Awadhesh Kumar was actually Vikram Rai @ Vikram Kumar and the name of accused Bajrang Rai was actually Sunil Kumar. He filed two Matriculation Certificates in the name of Sunil Kumar and Vikram Rai showing that the said two persons were minors at the time of commission of the alleged offence.

3. Learned trial Judge held that the above-named



accused persons surrendered before the learned Chief Judicial Magistrate, Saran on 22nd November 2008, but they did not take plea of being known by any other name as Awadesh Kumar and Sunil Kumar. Charged was framed in the Sessions case on 12th January 2010, in the name of Vikram Rai and Bajrang Rai. They stood the charge in the same name without making any objection that they were also known as Awadesh Kumar and Sunil Kumar. Subsequently, at this stage of the examination of the case under Section 313 of the CrPC, the above-named accused persons took a plea of juvenility, stating, their names as Vikram Rai and Bajrang Rai.

4. It is a suspicious circumstance as to why the petitioners did not take such plea at the instance of the trial. However, it is no longer *res integra* that an accused can take a plea of juvenility even at the stage of appeal, and if such plea is taken, it is the duty of the Juvenile Justice Board to make an inquiry according to the provisions of the Juvenile Justice (Care and Protection of Children) Act, 2015, to decide as to whether the petitioners are juveniles or not.

5. In view of such circumstances, the instant revision is disposed of with the following order:-

(i) The learned Sessions 1st Court at Saran is directed



to split up the records of the sessions case, and the case of the petitioners shall be sent to the Juvenile Justice Board at Saran for holding inquiry as to their age at the time of the alleged occurrence.

(ii) The Juvenile Justice Board at Saran is further directed to take evidence and collect all materials to ascertain as to whether the petitioners are also known as Sunil Kumar and Awadesh Kumar, and whether Awadesh Kumar and Sunil Kumar are the same and identical persons as Vikram Rai and Bajrang Rai.

(iii) Since the instant petition claiming juvenility of the above-named accused was filed at a very belated stage, on the verge of completion of trial, the revisional application is allowed, subject to the payment of a cost of Rs. 10,000/-, to be paid by the father of the petitioners within seven days from the date of communication of the order to the trial court, into the account of the District Legal Services Authority, Saran, at Chapra.

(Bibek Chaudhuri, J)

Suraj Dubey/-

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