

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.2430 of 2025

Arising Out of PS. Case No.-190 Year-2024 Thana- KHIJARSARAI District- Gaya

Sachin Kumar, S/o Subodh Kumar, R/o village - Sahbazpur, P.S- Khizersarai
in the district of Gaya

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Department of Home, Government of Bihar, Patna
2. The Principal Secretary, Department of Home, Govt. of Bihar, Patna
3. The Superintendent of Police, Gaya
4. The Deputy Superintendent of Police, Neemchak Bathani Khizersarai
5. The Officer-in-Charge-cum-Inspector of Police, Khizersarai P.S, in the district of Gaya
6. The Superintendent, Nari Niketan, Gaya
7. Sandeep Kumar S/o Late Surendra Singh R/o village - Lodipur, P.S.- Khizersarai, Distt.- Gaya
8. Sonali Kumari W/o Sachin Kumar, D/o Sandeep Kumar R/o village - Sahbazpur, P.S.- Khizersarai, Distt.- Gaya, At present confined in Nari Niketan, Gaya

... .. Respondents

Appearance :

For the Petitioner/s	:	Mr. Sunil Kumar, Advocate
For the Respondent/s	:	Mr. P.N. Sharma, AC to A.G.
For the Resp No. 7	:	Mr. Ramakant Sharma, Senior Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
and
HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD)

3 08-10-2025 Respondent No. 7 has entered appearance through a learned Advocate of this Court. Mr. Ramakant Sharma, learned Senior Counsel appears on instruction on his behalf.

2. This Court has been informed that pursuant to the order dated 16.09.2025, the records of the case have already been transferred by learned Judicial Magistrate-1st Class, Gaya



to the Juvenile Justice Board, Gaya (hereinafter referred to as the 'Board'). It is also informed that the informant had received notice from the Board with regard to exercise to be taken up for determination of age. Pursuant to the said notice, the informant appeared and has filed the admit card of the Central Board of Secondary Education, Delhi (in short 'CBSE') for the Secondary Examination, 2025. In the admit card, her date of birth is mentioned as 13.08.2010. It is submitted that the copy has already been filed before the Board and the Board is likely to decide the matter very soon.

3. Let the photocopy of the admit card which has been produced in the Court be kept on the record.

4. Having regard to the aforementioned submissions, we find that on the last date, when the matter was taken up for consideration, this Court was given to understand that the age of the victim as assessed by the Medical Board is between 19 to 20 years. The age recorded in the school and in the admit card of the CBSE *prima-facie* shows that Respondent No. 8 is only 15 years old.

5. In that view of the matter, we do not wish to proceed with this writ application further.

6. The matter is *sub-judice* before the Board where



the age determination of the victim shall be done in accordance with the scheme of the Juvenile Justice (Care and Protection of Children) Act, 1994 without being influenced by any observation of this Court. Let such exercise be completed by the Board within a period of six weeks from today.

7. Based on the result of the determination of age of Respondent No. 8, the parties shall be at liberty to seek their remedy as may be advised to them.

8. This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

(Sourendra Pandey, J)

lekhi/-

U			
---	--	--	--

