

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4905 of 2024

Arising Out of PS. Case No.-187 Year-2022 Thana- PURNEA SADAR District- Purnia

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Dilip Rishi @ Dilip Kumar S/o Kokwa Rishi @ Kakku Risi R/o vill -
Basantpur, P.S. - Sadar, Distt. - Purnia. Through Father (Guardina) Kakku
Risi @ Kokwa Rishi, s/o Votalu Rishi (Age 48 Yrs), R/o Basant pur,
Gulabbagh, P.S. - Sadar, Distt - Purnea

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Vikram Singh, Adv.

For the Respondent/s : Ms. Anita Kumari Singh, APP

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CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

4 10-07-2025 This is an application under Section 101(5) of the

Juvenile Justice (Care and Protection of Children) Act, 2015,
filed on behalf of the appellant by his natural guardian after
claiming himself to be a juvenile, who has involved in
connection with Purnea (Sadar) P.S. Case No. 187 of 2022,
under Sections 302/34 of the I.P.C. The learned Special Judge,
Children's Court, Purnea rejected the prayer for bail of the
appellant in Special (Child) Case No. 4 of 2023 on 7th
September, 2024. The appellant assails the said Judgment
passed by the learned Special Judge, Children's Court, Purnea.

2. It is found from the statement made on behalf of the
appellant at paragraph-11 of the Memorandum of Appeal that
the Juvenile Justice Board took recourse of Section 94 (II) (III)



for ascertaining the age of the appellant and he was produced before the Medical Board for ossification test to ascertain his age. The Medical Board on due assessment opined that the appellant was aged between 18-20 years at the relevant point of time when the offence was committed.

3. This Court fails to understand as to how and why the Juvenile Justice Board, Purnea determined the age of the appellant as 17 years 06 months and 04 days, when the Medical Board opined that the appellant was above 18 years. The observation and finding of the Juvenile Justice Board, Purnea with regard to juvenility of the appellant is palpably wrong and erroneous. When in the absence of any other document, medical test of the appellant was done for ascertaining the age of the appellant and the Medical Board opined that the appellant was aged about 18-20 years on the date of commission of offence. Trial ought to be held holding the accused is a major.

4. In view of the report submitted by the Medical Board, this Court has no other alternative but to hold that the appellant was major on the date of occurrence and he is to be tried by the ordinary criminal court.

5. In view of such circumstances, the instant criminal appeal for bail of the appellant is not maintainable.



6. The instant criminal appeal is accordingly
dismissed.

(Bibek Chaudhuri, J)

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