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**Court of Sessions Judge, Darbhanga.**  
**Present :- Shri Shiv Gopal Mishra, Sessions Judge, Darbhanga.**  
**Cr. Misc.Case No.33 of 26 ( Md. Ashraf Vs. State of Bihar)**

IN THE COURT OF SESSIONS JUDGE, DISTRICT- DARBHANGA.

**Criminal Misc. No. 33/2026.**

1.Md. Ashraf son of Late Md. Khalil ----- --Petitioner  
Versus

1. The State of Bihar-----Opposite Party.

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For the Petitioner :- Shri Murari Jha, Advocate  
For the O.P.1st Party (State):- Shri C.L. Pandit, Addl. P.P.

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**ORDER**

**02. 10-03-2026** This Criminal Misc. petition has been filed on behalf of the petitioner Md. Ashraf for giving direction to the Juvenile Justice Board, Darbhanga to determine the age of this petitioner at the earliest.

Heard learned counsel for the petitioner as well as the learned Addl. P.P. for the state.

The learned counsel for the petitioner submitted that the petitioner has been made accused in connection with the Mahila PS Case No.119/2025 u/s 64,351(2),352,3(5) of the BNS and section 4 & 6 of the Pocso Act. The aforesaid case is pending in the Court of Special Judge, Pocso Act, Darbhanga where the petitioner has filed petition that he is minor, having date of birth of 01-01-2011 and the date of occurrence is 08-08-2025, hence his case be send to the Juvenile Justice Board, Darbhanga for inquiry and trial. The petitioner has claimed his juvenility on the basis of birth certificate issued by Registrar, Birth and Death ,Darbhanga Nagar Nigam, Darbhanga and Aadhar card of petitioner. He further submitted that informant of this case filed a petition in the court of Juvenile Justice Board, Darbhanga and claimed that the petitioner is a major, aged about 20 years according to voter list and thereafter the petitioner cited judgement of Hon'ble Apex Court that no decision can be taken about

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juvility on the basis of voter list. He further submitted that Juvenile Justice Board, Darbhanga was pleased to call for a verification report from Panchayat Election Department for determination of age of the petitioner. He further submitted that more than two months passed, but no report has yet been submitted and on that pretext date after date is being given and the petitioner is suffering in Observation Home. He further submitted that none determination of age of the juvenile cause prejudice to the petitioner. Hence prayed to give a direction to the Juvenile Justice Board, Darbhanga to determine the age of petitioner.

On the other hand learned Addl. P.P. appearing for the State has opposed the prayer of the petitioner.

Heard both sides and perused the case record. From perusal of case record it appears that petitioner is accused in a case registered for offence u/s 64,351(2),352,3(5) of the BNS and section 4 & 6 of the Pocso Act. Thereafter learned Exclusive Special Judge, Pocso Act sent the case record of accused petitioner to the Juvenile Justice Board, Darbhanga. The learned Juvenile Justice Board is conducting preliminary assessment u/s 15 of the Juvenile Justice and Protection of Children Act. At this stage this court has no jurisdiction to give any direction to the Juvenile Justice Board for early disposal of the inquiry.

Considering the above facts and circumstances of the case discussed above, this Misc. application is **disposed of** with above observation.

(Dictated)

(Shiv Gopal Mishra)  
Sessions Judge,  
Darbhanga.  
10-03-2026.