

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51523 of 2014

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1. Rakesh Raushan S/o Sri Kameshwar Prasad R/o village - Karpi, P.S. Khizersarai, District - Gaya

2. Ranjan Kumar S/o Sri Madhusudan Prasad R/o Mohalla - Kharkhura Bairagi, P.S. Delha, District - Gaya

3. Neha Kumari @ Gudia Kumari W/o Ravi Shankar Kumar Akela R/o village - Karpi, P.S. Khizersarai, District – Gaya Petitioners

Versus

1. The State of Bihar Opposite Party

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Appearance :

For the Petitioners : Mr. Krishna Kant Singh, Advocate

For the Opposite Party : Mr. Raj Ballabh Singh(App)

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CORAM: HONOURABLE MR. JUSTICE GOPAL PRASAD
ORAL ORDER

3 23-09-2015 This is a petition for modification of the order, dated 24.06.2013, passed in Cr. Misc. No. 36244 of 2012 by which the application on behalf of the petitioners has been rejected that no final order has been passed by the Juvenile Justice Board regarding the age of the petitioners.

The grievance of the petitioners was that the Juvenile Justice Board has asked for a medical board to be constituted. The submission is that the Rules provided the Court to decide on the basis of the matriculation certificate of the petitioners. However, it is the domain of the Court to enquire into and the point is available if the final order is passed by the Juvenile Justice Board and the point is available to the petitioners after the order passed by the Juvenile Justice Board, but, at this stage the enquiry of the Juvenile Justice Board can not be shut and an issue can not be decided regarding the juvenility on the basis of the certificate filed by the petitioners. It is the Juvenile Justice Board which has to enquiry into the matter and it may adopt means though it may have to confirm the proceeding. It has also at the same time

liberty to enquire the matter and unless a final order is passed nothing can be stressed to do the enquiry as per the petitioners.

Hence, I do not find any merit in the petition.

This petition is **rejected** with a liberty to the petitioners to raise the issue after the final order has been passed by the Juvenile Justice Board.

(Gopal Prasad, J)

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