

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39397 of 2012

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Jagan Singh S/O Bikau Mahto @ Mahabir Mahto, resident of Village Barki Akorhi (Chandrabhan Patti), P.S. Kargahar (Bodahri), District Rohtas.

.... Petitioner/s

Versus

1. The State of Bihar.

2. Hareram Singh @ Bikau Singh S/O Bashishth Singh Village Jagatpura, P.O. Bare, P.S. Bhabua, District Kaimur.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Nandan Sahay, Advocate

Mr. Vijay Kumar Singh No.1, Advocate

For the Opposite Party No.1 : Mr. Ajay Kr.Jha, APP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

5 30-04-2015

Heard the parties.

The petitioner is aggrieved by the order dated 09.05.2012 passed in Sessions Trial No. 490 of 2011 by learned Additional Sessions Judge, Fast Track Court No.3, Sasaram, Rohtas, whereby the opposite party no.2 has been declared as juvenile on the date of alleged occurrence under the meaning of Juvenile Justice (Care and Protection of Children) Act, 2000.

Learned counsel appearing on behalf of the petitioner submits that the opposite party no.2 did not produce the date of birth certificate from the school he first attended, rather he produced the date of birth certificate of a Middle School. According to him, learned trial court while passing the impugned order has not taken into consideration the mandate of Rule 12 of the Juvenile Justice (Care and Protection of Children) Rules, 2007, therefore, the impugned order is liable to be set aside.

Learned Addl.P.P. appearing on behalf of the State of Bihar has opposed the prayer made on behalf of the petitioner and

has supported the impugned order passed by the learned trial court.

After having heard the parties and taking into consideration the entire materials available on the record, this Court does not find any good ground to interfere with the impugned order passed by the learned trial court. Otherwise also this Court finds that the entire criminal prosecution against the opposite party no.2 is based on suspicion and surmises only.

In the result, the present application has to fail and is, accordingly, dismissed.

(Birendra Prasad Verma, J)

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