

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Revision No.425 of 2016

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Rakesh Singh, son of Raj Kishore Singh alias Bankey Singh, and his
Natural Guardian of Raj Kishore Singh alias Bankey Singh, Resident of
village;Gosai Chapra, P. S. Siwan, Mufassil (Sasrai O.P.), District, Patna
..... Petitioner/s

Versus

1. State of Bihar
2. Nand Lal Prasad, son of Sri Ram Lal Prasad, Village Sarkari P. S.
Chapra Nagar, Distrtict, Saran Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Pandey
For the Respondent/s : Mr. Ram Anurag Singh(App)

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

3 25-11-2016 The petitioner's claim of being juvenile has been

turned down by an order, dated 01.05.2015, passed by the
Juvenile Justice Board, Chapra in J.J.B. Case No. 1288 of
2015. The petitioner's appeal against the said order of the
Juvenile Justice Board came to be rejected by an order, dated
05.10.2015, by learned Sessions Judge, Saran at Chapra in
Criminal (Juvenile) Appeal No. 85 of 2015.

2. It seems that on the basis of medical
examination conducted by a Medical Board, the petitioner's
age has been found to be 18 years and six months as on the
date of occurrence, i.e., 17.10.2013.

3. Learned counsel appearing on behalf of the
petitioner has submitted that the age determined by the
Medical Board cannot be said to be the exact age of the
petitioner and the result may vary one year plus minus.

4. The plea as taken on behalf of the petitioner could have been considered had there been some material to show that the petitioner's age was below 18 years as on the date of occurrence. There is no such material to support the claim of the petitioner.

5. In such circumstance, if the Juvenile Justice Board and the Court of learned Sessions Judge have determined the petitioner's claim for juvenility on the ground of age determination by the Medical Board, I do not find any legal infirmity in such decision, in view of the provisions of Juvenile Justice Act, 2015 and the Rules framed thereunder.

6. I do not find any merit in this application. This application is, accordingly, dismissed.

(Chakradhari Sharan Singh, J)

ArunKumar/-

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