

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Revision No.8 of 2016

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1. Baibhav Kumar @ Bihav Kumar @ Bivab Kumar, Son of Sri Vinod Singh, resident of Village, resident of Mohallla- Pokharia, ward No. 37, Police Station Begusarai Town Police Station in the District of Begusarai under the guardianship of Vinod Singh (father of the petitioner) S/o Late Satya Narayan Singh, resident of Mohalla- Pokharia Ward No. 37, P.S. Begusarai (Town), District- Begusarai.

.... Petitioner/s

Versus

1. The State of Bihar
2. Ramanuj Rai S/O Shri Rajendra Rai, Village- Pipra Dih Police Station- Barauni (Garhara) District- Begusarai.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Akhileshwar Pd. Singh, Sr. Adv.
With Mr. Prabhu Narayan Sharma
For the Respondent/s : Mr. Satyendra Narayan Singh (App)

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

5 22-12-2016 Heard learned counsel for the parties.

2. This criminal revision application has been filed being aggrieved by an order, dated 27.08.2015 passed by learned Second Additional Sessions Judge, Begusarai in Criminal Appeal No. 29 of 2015, whereby he has affirmed the order passed by the Juvenile Justice Board, Begusarai in a case arising out of Barauni P. S. Case No. 296 of 2013, whereby the Juvenile Justice Board had refused to declare the petitioner as juvenile.

3. Since the dispute involved in the present case is squarely covered by a decision of this Court dated 22.11.2016



passed in ***Criminal Revision No. 174 of 2016 (Anjani Devi Vs. State of Bihar and others)***, this application is being disposed of in terms of what has been laid down in the said order.

4. The claim of the petitioner of his juvenility is mainly based on the entry in the admission register of the School where he claimed to have studied. This Court in case of ***Anjani Devi Vs. State of Bihar*** (supra), has held considering binding judicial pronouncements of the Supreme Court that age determination enquiry has to be made in terms of the Rules framed under the Juvenile Justice Act. It has been specifically held in the said decision that admission register cannot be a relevant consideration for determining the juvenility of an accused/convict.

5. Accordingly, I do not find any merit in this application since there is no infirmity in the order passed by the learned Second Additional Sessions Judge, Begusarai, which is impugned in the present application.

6. This application is, accordingly, dismissed.

(Chakradhari Sharan Singh, J)

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