

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Revision No.1 of 2017

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1. Rahul Kumar, Son of Shyam Kumar, resident of village - Sonbarsa,
Police Station Bihpur, District - Bhagalpur

.... Petitioner/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Vikram Singh

For the Respondent/s : Mr. Bhanu Pratap Singh

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**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER**

4 15-05-2017 Heard learned Counsel for the petitioner and
learned Additional Public Prosecutor representing the State.

Based on a report submitted by the Medical Board, constituted for determining the age of the petitioner, the Juvenile Justice Board, Bhagalpur, by order, dated 26.07.2016, has declared the petitioner to be a major. The Juvenile Justice Board, Bhagalpur, found the petitioner's age to be more than 18 years, as on the date of the occurrence, i.e. 23.01.2015.

The said order of the Juvenile Justice Board, Bhagalpur, dated 26.07.2016, has been affirmed by the learned Sessions Judge, Bhagalpur, by his order, dated 05.11.2016, passed in Criminal Appeal No. 97 of 2016.

Learned Counsel for the petitioner has assailed



the orders passed by the Juvenile Justice Board, Bhagalpur, and the learned Sessions Judge, Bhagalpur, mainly on two grounds. He has, firstly, submitted that the Medical Board opined the petitioner's age to be between 20 and 22 years, as on the date of medical examination. He has submitted that the lower age, as determined by the Medical Board, ought to have been treated for the determination of the petitioner's age, as on the date of occurrence.

It is his further submission that the petitioner had produced, before the Juvenile Justice Board, Bhagalpur, School Leaving Certificate, in which the petitioner's date of birth has been mentioned as 05.01.1998, on the basis of which, his age ought to have been declared as 17 years, as on the date of occurrence.

I have perused the impugned orders. It is not the case of the petitioner that the said certificate was issued by the School, first attended by the petitioner, which is the statutory requirement. Further, the Juvenile Justice Board, Bhagalpur, doubting the correctness of the said certificate and evidence of the teacher in this regard, had rightly referred the matter to the Medical Board for opinion. Based on the opinion of the Medical Board, the Juvenile Justice Board, Bhagalpur, has declared the age of the petitioner to be above 18 years and, therefore, not a



juvenile.

I do not find any such illegality in the impugned orders, requiring interference by this Court. This application is, accordingly, dismissed.

(Chakradhari Sharan Singh, J.)

Prabhakar Anand/-

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