

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Revision No.770 of 2017

Arising Out of PS.Case No. -null Year- null Thana -null District- SASARAM (ROHTAS)

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Rakesh Kumar Singh @ Rakesh Kumar Son of Anugrah Narayan Singh, R/o Village- Wajirganj, P.S.- Sasaram (Muffasil), District- Rohtas under guardianship of Anugrah Narayan Singh, the father of Petitioner.

.... Petitioner

Versus

The State of Bihar

.... Respondent/s

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Appearance :

For the Petitioner : Mr. Mithilesh Kr. Singh, Advocate

For the State : Mr. Bhanu Pratap Singh, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR

ORAL JUDGMENT

Date: 24-08-2017

Heard learned counsel for the parties.

2. The petitioner has preferred this criminal revision application against order dated 06.06.2017, passed by learned Additional Sessions Judge-II-cum-Special Court, Excise, Rohtas at Sasaram in Sasaram (M) P.S. Case No.121 of 2017 registered under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

3. Learned counsel for the petitioner submits that the photo copy of the school leaving transfer certificate was produced as he is a juvenile and student of Class VIII but the trial court observed that neither the accused has been brought before it under the police custody nor he has surrendered before the court up-till-now so there is no material before the court for age determination. The petition for age determination was filed by the father of the accused. Obviously



there is no any illegality in the impugned order. Section 94 of the Juvenile Justice (Care and Protection of Children) Act, 2015 says that when the Board finds that if the person before him is alleged as juvenile offender and if he looks apparently a child then the Board is required to record such observation stating the approximate age of the child and proceed with the enquiry thereafter under Section 14 of the Act or Section 36 of the Act without waiting for further confirmation of the age. If the Committee or Board has reasonable grounds for doubt regarding the juvenility of the person then it shall undertake the process of age determination, by seeking evidence by obtaining date of birth certificate from the school, or the matriculation or equivalent certificate from the concerned examination Board, if available; and in case of absence of these documents then the birth certificate given by a corporation, or a municipal authority or a panchayat and only in absence of the aforesaid two categories of the documents, the age shall be determined by an ossification test or any other latest medical age determination test conducted on the orders of the Committee or the Board.

4. In the case at hand, the impugned order clearly shows that the petitioner, one of the two accused persons, has neither been apprehended nor surrendered before the court so unless he appears or brought before the court, the age determination enquiry cannot be



conducted.

5. In the result, finding no illegality in the order impugned, this criminal revision application is dismissed.

(Arun Kumar, J.)

S.Kumar/-

AFR/NAFR	NAFR
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